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| From: | Presidency |
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| Subject: | Proposal for a Regulation of the European Parliament and of the Council on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58/EC and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1971, Directive (EU) 2018/1972 and Decision No 243/2012/EU (Digital Networks Act)<br>- Presidency compromise text - Articles 1-12 and 87-114 |

## I. INTRODUCTION

1. The Commission adopted the proposal for a Regulation on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58/EC and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1971, Directive (EU) 2018/1972 and Decision No 243/2012/EU (**Digital Networks Act**), on 21 January 2026[1].

2. Under the Cyprus Presidency, the WP TELECOM devoted significant time to the examination of the following parts of the DNA proposal: Part I - Scope, objectives and definitions, Part II - Resilience, Part III - Single Market authorisation and passporting, Part VI – Services, and Part VIII - General and final provisions, as well as Articles 13–16, 36–52 of Part IV – Resources (Radio Spectrum and Numbering).

[1] Doc. 5600/26 +ADD1

3. In addition, four online workshops were held in March that allowed delegations, including capital-based experts, to raise specific questions and seek further clarifications directly from the Commission on the provisions related to copper switch-off and access, spectrum and satellite authorisation, general authorisation, Single Passport and numbering, and governance.

4. On 27 April 2026, the Cyprus Presidency requested Member States to provide their initial drafting suggestions and written comments on Parts I-III and VI (Articles 1-12 and 87-114). As regards Article 2, Member States were asked to focus on the most relevant definitions.

5. Based on the input submitted by the Member States, the Irish Presidency has drafted the first, partial compromise text of the DNA proposal, contained in the Annex to this document.

6. The Irish Presidency invites the delegations to discuss the proposed changes in the above-mentioned Articles, including relevant definition only in Article 2, and in a number of specific recitals during the WP TELECOM meeting on 22 October 2026.

7. The changes in the document compared with the Commission proposal are underlined, additions are marked with **bold**, deletions with ~~strikethrough~~.

## II. MAIN CHANGES

### 1. Part I – Scope, Objectives and Definitions

1.1 The new **Article 1(3)** aims at recalling explicitly that the Regulation is without prejudice to Member States' competence in the areas of public order, public security and defence. This general principle is already referred to in several recitals, and relevant text was added also in **Recital 27**.

1.2 Two definitions were added in **Article 2**: 'providers of emergency communications' (**2(39a)**) and 'information society service'(**2(50a)**).

1.3 In **Article 3(1)**, the promotion of competition was given prominence amongst the general objectives, through the addition of **point (-a)** and the related deletion of **point (e)**. Other amendments concern **points (c)**, **(d)** and **(g)**, to clarify their scope.

2. **Part II – Resilience**

2.1 **Articles 4-8** were amended with the objective of ensuring consistency with Directive (EU) 2022/2555 (NIS2) and Directive (EU) 2022/2557 (CER).

2.2 In **Article 4** and in the following ones, "associated facilities" were included next to electronic communications networks and services, as appropriate.

2.3 The text of **Article 6(2)** was adapted to clarify the scope of the Union Preparedness Plan for Digital Infrastructures ('the Plan') and to avoid overlaps with other structures and mechanisms created to manage cybersecurity crisis. In **Article 6(1)**, the deadline for BEREC to adopt the Plan was extended to 18 months. Additional clarifications were added in **Recital 27**.

3. **Part III – Single Market Authorisation and Passporting**

3.1 Changes in **Article 9(1)** are aimed at clarifying what kind of services fall within the scope of the general authorisation. Extensive explanations and relevant examples are provided in **Recitals 43, 43a** and **43b**.

3.2 With regard to the Single Passport procedure, **Article 10** was restructured and heavily amended to provide for a clearer and simpler mechanism of notifications relating to the commencement, modification, expansion or cessation of the provision of electronic communications networks or services directly and only to the ODN. **New Article 9a** is devoted to the Union Digital Notifications Platform as the single electronic interface for the submission, processing and management of such notifications. The corresponding **Recitals 44, 45, 46** and **52** were amended accordingly.

3.3 New text in **Article 11** is meant to address concerns related to national authorities' enforcement powers in view of the proposed Single Passport procedure. In the light of these changes, the concept of 'main establishment' was introduced to link a provider to the national regulatory authority having the competence to suspend or withdraw that provider's right to operate in one or more Member States in case of a serious breach of the general authorisation conditions. **Article 12** was also amended, as appropriate, and additional information was included in **new Recitals 61a, 61b** and in the amendments to **Recitals 62 and 65**.

4. **Part VI - Services**

4.1 Some clarifications were included in **Article 87** about the scope of Universal Service and in **Articles 88, 89** and **90** concerning its affordability and availability. **Recital 231** now includes text to better explain the Commission's empowerment related to the definition of adequate internet access, while **new Recitals 237a** and **244a** regard the possibility for Member States to grant compensation to the providers entrusted with the provision of universal service as a service of general economic interest.

4.2 **Articles 93** and **94** on open internet access were slightly amended to address the risk of excessive administrative burden. A sentence was added at the end of **Recital 254** to refer to the statement of reasons of Regulation (EU) 2015/2120 (the Open Internet Regulation).

4.3 With regard to end-users' rights, a **new Article 94a** was drafted – and relevant text moved from **Articles 95(4)** and **(7), Article 96(2)** and **Article 97(6)** - to address the possible tension between the proposed harmonisation of rights of consumers and the national rules currently in force. The new text also aims to clarify the interplay with Directive 2011/83/EU (the Consumer rights Directive). Additional text in **Recital 258** further clarifies the interaction with national rules in the area of contract law.

4.4 A sentence was added in **Recital 259** to explicitely reference the protection of rights of microenterprises under the DNA, which should be similar to that enjoyed under Directive (EU) 2018/1972 (the Code).

4.5 The structure of **Article 100** was reviewed to better distinguish and clarify the provisions related to provider switching and number portability. Text was added in new **Article 100(1a)** to include a reference to provision of adequate information also for the porting process, and in **Recital 279** regarding the issue of double billing.

4.6 Changes to **Article 103** and **Recital 284** aim at clarifying the scope of the information gathering and the competences at national and EU level, and the relationship with the PSR cooperation platform and with pre-existing national measures.

4.7 In relation to the wider scope of **Article 105**, explanations about the distribution of public interest information were included in **Recital 287.**

4.8 **Articles 106, 107** and **108** were amended to address the need to ensure the effective functioning of emergency communications and public warnings, as well as of the relevant restrictions through e.g. the possibility for PSAPs to call back end-users free of charge, a more nuanced obligation concerning the use of the Digital Identity Wallets, the obligation for providers of emergency communications to inform end-users of possible limitations of access to emergency services or provision of caller location information, and the possibility to trace back the originating point of the communication. These issues were also addressed by more detailed explanations in **Recitals 289**, **289a**, **293**, **293a, 296, 298, 300a** and **301**.

4.9 In **Article 111(1)**, both points (a) and (b) were amended to ensure that providers meet the requirements of Directive (EU) 2019/882 (European Accessibility Act).

4.10 **Article 112(3)** was slightly amended to ensure that technical, contractual or practical restrictions cannot be used to circumvent the right to a free and easy return of digital television equipment.

(27) **The Union Preparedness Plan for Digital Infrastructure (the 'Plan') foreseen in this Regulation should be taken into utmost account by all Member States, when implementing measures related to preparedness. National measures or other measures arising from other Union legislative acts in that respect should be applied only to the extent that they do not compromise the effective application of the Plan or undermine the objectives of this Regulation. Member States, in particular those in border regions, may apply stricter measures than those foreseen in the Plan in application of their competences on national security and defence.** In this context, the ODN should be tasked with ensuring a coherent, cross-border approach for electronic communications networks and services. The ODN's role should complement and be without prejudice to Directive (EU) 2022/2555, focusing on ~~a~~ system-wide preparedness, interchangeable infrastructures, trans-European network**s** and services continuity and coordinated crisis response.

(42) To overcome the challenges posed by Directive (EU) 2018/1972 and enable providers to benefit fully from the internal market for electronic communications, it is necessary to introduce a modern general authorisation regime applicable to all types of electronic communications networks involved in the delivery of **publicly available** electronic communications services, publicly available ~~digital~~ **information society** services and, with some exceptions, to publicly available electronic communications services.

(43) In relation to ~~the providers of~~ electronic communications networks, the general authorisation ~~system~~ regime should ~~not~~ apply to ~~certain types of~~ **electronic communications** networks ~~that do not have the main~~ **used, wholly or mainly, for the** purpose **of providing publicly available electronic communications services or publicly available information society services. It should also cover major backbone and other transmission networks, irrespective of ownership, establishment, operation, control or the making available of electronic communications networks, where they are used for the transmission of signals enabling** the provision of publicly available electronic **communications services or publicly available information society** services. **The following are** ~~E~~**e**xamples **of major backbone and other transmission networks:** ~~are networks mainly used for private, internal or closed, predetermined user group communications, including~~ **submarine cables;** ~~networks used only for internal links between communicationos infrastructure facilities not mainly intended for publicly available digital services. In relation to the provision of electronic communications services~~ **major links between large cloud infrastructures that carry significant volumes of data traffic for the provision of publicly available electronic**, ~~number-independent interpersonal~~ communications services ~~should remain excluded from the scope of~~ **or publicly available information society services; and electronic communication networks that are part of content delivery networks where content is delivered through a set of geographically distributed servers (caching) and the routing equipment transmits signals for the purpose of providing publicly available information society services. Information society services, as defined in Article 1(1), point (b), of Directive (EU)2015/1535, are not subject to** general authorisation~~. Contrary to other categories of~~ **under this Regulation, only** electronic communications networks ~~and services, number-independent personal~~ **that are used for the purpose of their provision are. Such an electronic** communications ~~services do not benefit from the use of public numbering resources and do not participate in a publicly assured interoperable ecosystem. It is therefore appropriate to not~~ **network should be** subject ~~those types of services to the~~ **to** general authorisation ~~regime. However, number-independent personal~~ **both if its provider is providing the information society services itself or if the information society service is provided by a third party and where the associated traffic is passing through the electronic** communications ~~service provider may be subject to certain obligations under this Regulation~~ **network.**

**(43a) For example, content delivery networks play an important role in the transmission and delivery of publicly available content over the internet. By deploying distributed infrastructure across multiple geographic locations, they provide services such as caching, routing optimisation, traffic distribution, load balancing, resilience, security support and other technical functionalities that improve the efficiency, quality, reliability and scalability of content delivery within the extended connectivity ecosystem. Those services contribute materially to the conveyance of traffic between content providers, electronic communications networks and end-users. Where electronic communications networks are part of content delivery networks that enable the delivery of publicly available electronic communications services or publicly available information society services, they should be in the scope of the general authorisation regime applicable to electronic communications networks and services. Their inclusion in the general authorisation regime is important to ensure regulatory clarity, technological neutrality and a consistent approach across the connectivity value chain, while recognising their role in supporting the effective functioning, resilience and performance of internet services for end-users and businesses.**

**(43b) The general authorisation regime should not apply to certain types of networks or digital services whose main purpose does not involve the support of the provision of publicly available electronic communications networks or services. Examples are networks mainly used for private, internal or closed, predetermined user group communications, including corporate or enterprise networks used only for its own internal links or connectivity purposes between communications infrastructure facilities not mainly intended for publicly available electronic communications services or publicly available information society services. It should not cover networks established, operated, controlled or made available by cloud providers or content or application providers or any other infrastructure provider where such networks do not serve, wholly or mainly, the purpose of providing publicly available electronic communications services or publicly available information society services. In relation to the provision of electronic communications services, number-independent interpersonal communications services should remain excluded from the scope of general authorisation.**

**Contrary to other categories of electronic communications networks and services, number-independent interpersonal communications services do not benefit from the use of public numbering resources and do not participate in a publicly assured interoperable ecosystem. It is therefore appropriate to not subject those types of services to the general authorisation regime. However, number-independent interpersonal communications service providers may be subject to certain obligations under this Regulation or other Union or national law.**

(44) The general authorisation regime should be subject to compliance with a shorter and updated list of fully harmonised conditions applicable in all Member States**.** ~~,~~ ~~as well as~~ **It is noted that some conditions related to general authorisation provisions in this Regulation** ~~with some other conditions that stem from~~ **are related to** other Union law or national law~~s, but that~~ **which** are not ~~yet~~ fully harmonised, such as rules on access to data by law enforcement and judicial authorities, including on lawful interception and data retention **as well as** cybersecurity rules ~~and ICT supply chain security requirements in accordance with cybersecurity rules, including the Cybersecurity Act which is to replace Regulation (EU) 2019/881 of the European Parliament and of the Council~~[2]. **The list of general authorisation conditions set out in this Regulation are final and exhaustive. Member States should therefore not impose or maintain any conditions in respect of the general authorisation other than those set out by this Regulation.**

[2] Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 15, ELI: http://data.europa.eu/eli/reg/2019/881/oj).

(45) Furthermore, providers **intending to operate in one, several or all Member States** ~~subject to a general authorisation~~ should submit a notification~~-~~ **for any new network or service. The notification should consist only of a declaration by a natural or legal person** to the ~~national regulatory authority of the Member State in which they intend~~ **ODN for the intention** to start the provision of ~~electronic communications~~ networks or services. **No further submission to other authorities should be required for a general authorisation. In cases** ~~or~~ **where** ~~such networks or services are~~ **a provider has** already **notified its activities pursuant to Directive (EU) 2018/1972, it** should ~~also be allowed to submit only one~~ **not be required to re-submit its** notification **under this Regulation unless it wishes to do so. However, providers may choose to notify the ODN for the purpose of a general authorisation under the Single Passport procedure valid** in one or several Member States **through one single notification. As this Regulation repeals Directive (EU) 2018/1972, all providers falling** under the ~~Single Passport~~ **scope of the general authorisation should comply with the new general authorisation** regime **and its conditions.** Satellite systems should not be subject to the Single Passport, but to a specific procedure at Union level.

(46) ~~The~~ **A** notification should **specify the details about the types of networks or services, including any updates or the cessation of activities** ~~use a mandatory template made available by BEREC~~. It should consist of ~~a declaration by a natural or legal person to the national regulatory authority of the intention to start the provision of electronic communications networks or services and~~ the submission of ~~limited~~ information **which is required to enable the ODN to keep a database of providers** of electronic communications networks ~~or~~ **and** services and **to enable the national regulatory authorities to monitor and exercise the supervision of** their **activities** ~~further specified by the related BEREC template including identity, contact and business details, information about the networks or services intended to be provided and their geographical area of availability as well as the estimated date for starting the activity~~.

(47) **The ODN and** ~~National~~ **national** regulatory authorities should not impose additional or separate notification requirements. In this regard, national regulatory authorities should not require any additional documents as part of the general authorisation that are not contained in BEREC's notification template. Notification requirements and updates of such requirements should be kept to the minimum.

(49) To contribute to the digitalisation objectives of the Union, ~~all national regulatory authorities~~ **the ODN** should accept notifications online, for example, via ~~an entry point at the website of the relevant authority~~ **the Union Digital Notifications Platform** and, where mandated, through harmonised digital solutions such as business wallets, and should not require providers to use digital certificates limited to the national territory that are not mutually recognised in other Member States and that are not in accordance with the minimum requirements established in Commission Decision 2011/130/EU[3] for the cross-border processing of documents signed electronically by competent authorities. For the same reason, providers should not be required to have national representatives to interact with national authorities. In their exchange of information or documents by electronic means, public authorities should fulfil the requirements set out in Regulation (EU) 2024/903 of the European Parliament and of the Council[4].

(51) In order to support effective cross-border coordination, the ODN should maintain a central database of all notifications. ~~Competent authorities should transmit only complete notifications to the ODN.~~

(52) **Upon acknowledgement of notification, a provider may immediately start activities, subject to such rights of use for radio spectrum and/or numbering resources as any authorised provider may seek to obtain. The BEREC guidelines on the coherent application of the general authorisation conditions, prepared in close cooperation with other competent authorities and the Commission, should be accessible via the ODN webpage.** ~~Following the notification, national regulatory authorities should confirm to the provider by electronic means the start of the provision of networks or services describing the conditions, rights and obligations applicable in the Member State or Member States where the provider intends to provide the networks or services.~~ ~~When~~ **Where** the provider has notified its intention to provide networks or services only within the territory of one Member State, it should comply**, if applicable to the provider,** with the ~~harmonised~~ general authorisation conditions **under this Regulation** ~~and, as regards any specificities, the conditions applicable in the jurisdiction of that Member State~~.

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3 Commission Decision 2011/130/EU of 25 February 2011 establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L 80, 19.3.2014, p. 7, ELI: http://data.europa.eu/eli/dec/2011/130(1)/oj).

4 Regulation (EU) 2024/903 of the European Parliament and of the Council of 13 March 2024 laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) (OJ L, 2024/903, 22.3.2024, ELI:.http://data.europa.eu/eli/reg/2024/903/oj)

(57) The Single Passport procedure should facilitate the provision of electronic communications networks and services across Member States. The procedure should end by ~~a confirmation~~ **an acknowledgement of notification receipt** and ~~to~~ the provider ~~to~~ **may** start provision of networks or services. It should be possible to issue additional declarations, but only upon request by a provider and following the BEREC guidelines on general authorisation. For example, where needed, under the Single Passport ~~confirmation~~ **procedure** the provider may ask ~~through~~ the ODN for a declaration describing under which circumstances the provider of electronic communications networks or services under general authorisation has the right to apply for rights to install facilities, negotiate interconnection, and obtain access to interconnection, in order to facilitate the exercise of those rights, for instance, at other public authorities or in relation to other undertakings. Such declarations could describe the criteria and procedure regarding the specific obligations on individual undertakings and should be provided through the ODN by the national regulatory authority of the Member State where networks or services will be provided and upon request by the provider. The BEREC guidelines should specify the details about the possibility to request such declaration.

(**61a**) **In cases where a provider operates networks or services in multiple EU Member States, it falls under the separate and concurrent jurisdiction of each involved Member State concerning provisions of this Regulation and other Union or national law. This principle affects neither registration obligations of entities providing networks or services, which should be done only to the ODN, nor the supervision and enforcement of general authorisation conditions under the Single Passport regime. In the case of a breach by the same provider of a general authorisation condition that occurs in at least two Member States, national regulatory authorities should cooperate with each other and should ensure consistent enforcement measures. The competent authorities of these Member States are expected to collaborate, extend mutual assistance, and, when necessary, engage in joint supervisory or enforcement actions.**

(**61b**) **The main establishment concept traditionally implies the effective exercise of activity through stable arrangements. The legal form of such arrangements, whether through a branch or a subsidiary with a legal personality, should not be the determining factor in that respect. Whether that criterion is fulfilled should not depend on whether the networks are physically located in a given place; the presence and use of such networks should not, in themselves, constitute such main establishment and should therefore not be decisive criteria for determining the main establishment.**

**By contrast, the national regulatory authority of main establishment should be in the Member State where the decisions related to the management and provision of networks or services across borders are predominantly taken in the Union. If this cannot be determined, the national regulatory authority of main establishment should be where the provider predominantly carries out its network management or service-related operations which concern the occurred breach. If this still cannot be determined, the national regulatory authority of main establishment should be where the provider has the establishment with the highest number of employees in the Union. Where the networks or services are carried out by a group of undertakings, the national regulatory authority of main establishment of the controlling undertaking should be considered the main establishment of the group of undertakings. For the purposes of this Regulation, providers which fall into the scope of Article 9 of this Regulation and are, at the same time, registered in a Member State of main establishment under other Union legal acts such as Directive (EU) 2022/2555 or Directive (EU) 2015/1535, should not be required to change the Member State of their main establishment as defined therein. However, they should still notify their new networks or services to the ODN.**

**Regarding the enforcement of general authorisation conditions, the national regulatory authority in the Member State of their main establishment should have the power to suspend or withdraw the right to operate in the Member State or Member States affected, upon request and with the agreement of the national regulatory authority of each Member State affected, and provided that the breach is serious, persistent and affects at least two Member States, taking into account national security, resilience and the need to ensure continuity of essential services of the affected Member States.**

(62) **Enforcement actions by competent authorities should be without prejudice to the rights and obligations of Member States to perform day-to-day enforcement powers of applicable law in their jurisdiction. In this context, penalties for the breach of such applicable law can be imposed by the competent authorities of the Member States where the networks or services are provided. When it comes to enforcement of general authorisation conditions as such, the competent authorities** ~~The national regulatory authority~~ of the Member State ~~of notification~~ **where the networks or services are provided** should have the power to impose penalties ~~for the~~ **or other measures within its jurisdiction where a** breach of ~~the~~ general authorisation conditions **occurs, including on the grounds of national security or public interest.**~~, provided that~~ The national regulatory ~~authority where networks or services are provided has not already imposed penalties for~~ **authorities involved in the remedy of** the breach ~~of the same conditions.~~ **should ensure that the measures and** penalties ~~should be~~ imposed ~~in accordance with national law and could include, in case of serious breach, and where necessary after consultation with the regulatory authorities~~ **remain proportionate to the seriousness** of the ~~affected Member States, the~~ **breach. The suspension or** withdrawal of the right to ~~provide networks and services in all the Member States covered by the Single Passport. A~~ **operate should be limited to very** serious ~~breach could be found~~ **or repeated breaches, such as**, for example, where non-compliance with one or more general authorisation conditions persists despite the remedial actions **regarding applicable rules** undertaken by the national regulatory authority or other competent authority~~.~~ ~~Only in exceptional cases, when a national regulatory authority~~ of the Member State where the networks ~~or~~ **and** services are provided ~~concluded that the breach of the~~**, or due to the absence of actual or effective enforcement. This could be the case if a provider does not comply with the applicable rules related to general** authorisation conditions ~~may have a negative impact in its territory on the grounds of national security or public interest, it should have the right to impose penalties within its jurisdiction. Such exceptional~~ **despite the** enforcement ~~measure should be taken in coordination with the relevant competent authorities of~~ **measures or financial penalties, imposed by** the Member State ~~of notification~~ **where the networks and services are provided, or the penalties cannot be enforced because the provider does not have financial or material assets that could be seized**.

(63) As an exception, in the case of machine-to-machine services with extraterritorial use of numbering resources, relevant rules of the Member State of ~~notification~~ **main establishment** should apply.

(65) It should be possible to impose administrative charges on undertakings providing electronic communications services in order to finance the activities of the national regulatory authority or other competent authorities in managing the general authorisation ~~system~~ **regime** and the granting of rights of use. Such charges should be limited to cover the actual administrative costs for those activities and should not be imposed on small providers. **Where administrative charges are imposed under the Single Passport procedure, the national regulatory authorities should take into account the cost incurred by the national regulatory authority of main establishment for monitoring, coordination and cooperation with other national regulatory authorities for exercising enforcement powers in case of non-compliance and respectively, by all other regulatory authorities where the provider operates, for control or supervision, and appropriate adjustments shall be made.** To that end, transparency should be ensured in the income and expenditure of national regulatory authorities and other competent authorities by means of annual reporting about the total sum of charges collected and the administrative costs incurred, in order to allow undertakings to verify that they are in balance.

(73) The radio spectrum **and numbering resources** management rules should be consistent with the work of international and regional organisations dealing with radio spectrum management **and numbering resources**, such as the International Telecommunication Union ('ITU') and the European Conference of Postal and Telecommunications Administrations ('CEPT') **and the European Communications Office (ECC) to CEPT**, in order to ensure the effective management of and harmonisation of the use of radio spectrum **and numbering resources** across the Union and between the Member States and other members of the ITU.

(231) The speed of internet access experienced by a given user depends on a number of factors, including the providers of internet connectivity as well as the given application for which a connection is being used. It is for the Member States, taking into account BEREC guidelines, to define adequate internet access in light of the minimum bandwidth enjoyed by the majority of consumers within a Member State's territory in order to allow an adequate level of social inclusion and participation in the digital economy and society in their territory. The adequate internet access service should have sufficient bandwidth to support access to and use of at least basic services that reflect the services used by the majority of consumers. To that end, in order to contribute towards a consistent application in the Member States, the BEREC guidelines should take into account the development in the use of the internet to identify those online services used by a majority of consumers across the Union and necessary for social and economic participation in society. BEREC should take into account the data collected annually by the national regulatory authorities on the evolution and level of retail prices of adequate internet access services and voice communications services at a quality specified in the respective national territories. Before issuing the guidelines, BEREC should consult stakeholders, including civil society organisations representing vulnerable consumers. **While BEREC, in close cooperation with the Commission, is to issue guidelines to support the definition of adequate internet access, regulatory intervention at Union level may be necessary to ensure a harmonised methodology on how to consistently define adequate bandwidth in the Union, for example in case of varying methodological criteria. For this, the** ~~The~~ Commission should be empowered to adopt implementing acts to determine **the methodology to define** the adequate internet access service and the bandwidth necessary for social and economic participation in society**, having regard to the BEREC guidelines**. The end-user rights applicable to electronic communications services should also apply to any adequate internet access and voice communications services.

**(237a) Member States could decide to grant compensation using state resources to ensure the provision of universal service to address affordability at least at a fixed location for consumers with low income or special social needs in line with the applicable State aid rules. When Member States decide to grant compensation to the providers entrusted with the provision of universal service as a service of general economic interest to address affordability at least at a fixed location they can for instance choose to use public funding or establish a sharing mechanism between providers of electronic communications networks and services; or both.**

**(244a) Member States could decide to grant compensation using State resources to ensure the provision of universal service to address availability at a fixed location of an adequate internet access and voice communications services in line with the applicable State aid rules. When Member States decide to grant compensation to the providers entrusted with the provision of universal service as a service of general economic interest to address availability at a fixed location, they can for instance choose to use public funding or establish a sharing mechanism between providers of electronic communications networks and services; or both.**

(254) The present reframing of the European regulatory framework for electronic networks and services in this Regulation offers an occasion to merge the provisions for measures concerning the open internet contained in Regulation (EU) 2015/2120 into this Regulation, without touching upon the fundamental principles of equal and non-discriminatory treatment of traffic in the provision of internet access services, as well as the right of end-users to access and distribute information and content, use and provide applications and services, and use terminal equipment of their choice. **The statement of reasons for Regulation (EU) 2015/2120 remains unchanged and applies equally to the present Regulation.**

(258) Contracts are an important tool for end-users to ensure transparency of information and legal certainty. Most service providers in a competitive environment will conclude contracts with their customers for reasons of commercial desirability. The obligations on information requirements for contracts cover internet access services and interpersonal communications services. Services consisting wholly or mainly in the conveyance of signals, such as transmission services used for machine-to-machine services, are not covered by the additional information requirements for contracts. The information requirements, which might also be required pursuant to Directive 2011/83/EU of the European Parliament and of the Council[5], should not lead to duplication of the information within pre-contractual and contractual documents. **This Regulation should not affect national rules in the area of contract law for aspects that are not covered by its provisions, such as rules concerning the conclusion or the validity of a contract. Member States remain free to provide for rules on consumer protection in areas not covered by this Regulation provided that those rules comply with Union law.** Relevant information provided in respect of this

[5] Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/ 577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64, ELI: http://data.europa.eu/eli/dir/2011/83/oj).

~~Directive~~**Regulation**, including any more prescriptive and more detailed informational requirements, should be considered to fulfil the corresponding requirements pursuant to Directive 2011/83/EU. In addition, the requirements of existing Union consumer protection law relating to contracts, in particular Council Directive 93/13/EEC[6], and Directive 2011/83/EU, apply to consumer transactions relating to electronic communications networks and services. Regulation 2016/679 on data protection applies to processing of personal data.

(259) Some of those end-user protection provisions which apply only to consumers, namely those on contract information, maximum contract duration and bundles, should benefit not only consumers, but also microenterprises and not-for-profit organisations as defined in Union law or national law. **To ensure continuity of end-user rights protection of microenterprises in this Regulation, they should continue to benefit from a similar level of protection than that provided for under Directive (EU) 2018/1972.** The bargaining position of those categories of enterprises and organisations is comparable to that of consumers, and they should therefore benefit from the same level of protection unless they explicitly waive those rights. Obligations on contract information in this Regulation, including those of Directive 2011/83/EU that are referred to in this Regulation, should apply irrespective of whether any payment is made and of the amount of the payment to be made by the customer. The obligations on contract information, including those contained in Directive 2011/83/EU, should apply automatically to microenterprises, and not-for-profit organisations unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to microenterprises and not-for-profit organisations, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same contractual information requirements as consumers. The provisions on provider switching and number portability, which are important also for larger enterprises should continue to apply to all end-users. Not-for-profit organisations are legal entities that do not earn a profit for their owners or members. Typically, not-for-profit organisations are charities or other types of public interest organisations. Hence, considering the comparable situation, it is legitimate to treat such organisations in the same way as microenterprises under this Regulation, insofar as end-user rights are concerned. Furthermore, consumers entitled to affordable tariffs based on universal service are entitled to the same level of protection as all other consumers.

[6] Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29, ELI: http://data.europa.eu/eli/dir/1993/13/oj).

(263) The provisions on safeguarding of open internet access should be complemented by effective end-user provisions which address issues particularly linked to internet access services and enable consumers to make informed choices. Providers of internet access services should inform consumers in a clear manner how traffic management practices deployed might have an impact on the quality of internet access services, consumers' privacy and the protection of personal data as well as about the possible impact of services other than internet access services to which they subscribe, on the quality and availability of their respective internet access services. In order to empower consumers in such situations, providers of internet access services should therefore inform consumers in the contract of the speed which they are able realistically to deliver. The normally available speed is understood to be the speed that an end-user could expect to receive most of the time when accessing the service. Providers of internet access services should also inform consumers of available remedies in accordance with national law in the event of non-compliance of performance. Any significant and continuous or regularly recurring difference, where established by a monitoring mechanism certified by the national regulatory authority, between the actual performance of the service and the performance indicated in the contract should be deemed to constitute non-conformity of performance for the purposes of determining the remedies available to the consumer in accordance with national law. The **underlying** methodology should be established in the guidelines of BEREC **on the implementation of the supervision and enforcement of open internet access**.

(264) End-users are often not aware of the cost of their consumption behaviour or have difficulties in estimating their time or data consumption when using electronic communications services. In order to increase transparency and to allow for better control of their communications budget, it is important to provide end-users with facilities that enable them to track their consumption in a timely manner. In addition, in order to protect against 'bill-shocks', providers should provide free-of-charge alerts in case of atypical or excessive consumption patterns including in relation to premium rate services and other services subject to particular pricing conditions. **With a view to ensuring the proportionality of the obligations imposed on providers, while ensuring the protection of personal data and privacy of consumers,** ~~I~~**i**temised bills on the usage of internet access should indicate only the time, duration and amount of consumption during a usage session but not indicate the websites or internet end-points connected to during such a usage session. Under Directive (EU) 2018/1972 Member States were able to ensure that competent authorities in coordination, where relevant, with

national regulatory authorities are able to require providers of internet access service or publicly available number-based interpersonal communications services to make available all or part of additional facilities included in Directive (EU) 2018/1972. Member States were also able to go beyond the facilities in order to ensure a higher level of consumer protection. These additional facilities should be provided for universal service consumers benefiting from affordability measures. In addition, itemised billing, where applicable, and certain cost control measures are obligatory facilities to be provided to all consumers free of charge. Member States should not introduce in their national law other diverging requirements for additional facilities. However, Member States should be able to maintain provisions on those facilities that were set out in Directive (EU) 2018/1972, including facilities requiring providers to provide additional information on the consumption level and temporarily prevent further use of the relevant service in excess of a financial or volume limit.

(268) In order to take full advantage of the competitive environment, consumers should be able to make informed choices and to change providers when it is in their best interest to do so. It is essential to ensure that they are able to do so without being hindered by legal, technical or practical obstacles, including contractual conditions, procedures and charges. That does not preclude providers from setting reasonable minimum contractual periods of up to 24 months in consumer contracts. However, Member States should have the possibility to maintain provisions for a shorter maximum duration ~~and to permit consumers to change tariff plans or terminate the contract within the contract period without incurring additional costs in light of national conditions, such as levels of competition and stability of network investments~~. Independently from the electronic communications service contract, consumers might prefer and benefit from a longer reimbursement period for physical connections. Such consumer commitments can be an important factor in facilitating deployment of gigabit networks up to or very close to end-user premises, including through demand aggregation schemes which enable network investors to reduce initial take-up risks. However, the rights of consumers to switch between providers of electronic communications services, should not be restricted by such reimbursement periods in contracts on physical connections and such contracts should not cover terminal or internet access equipment, such as handsets, routers or modems. The equal treatment of entities, including operators, financing the deployment of a gigabit physical connection to the premises of an end-user, including where such financing is by way of an instalment contract should be ensured. The obligations on contract duration should apply to microenterprises, and not-for-profit organisations unless they prefer negotiating individualised

contract terms with providers of electronic communications services. As opposed to microenterprises, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same requirements for contract duration as consumers. The obligations on contract termination should apply to microenterprises, small enterprises, medium enterprises and not-for profit organizations, unless they prefer to negotiating individualised contract terms with the provider of electronic communications services.

(279) Number portability should be implemented with the minimum delay, so that the number is functionally activated within one working day and the end-user does not experience a loss of service lasting longer than one working day from the agreed date. The right to port the number should be attributed to the end-user who has the relevant (pre- or post-paid) contract with the provider. In order to facilitate a one-stop-shop enabling a seamless switching experience for end- users, the switching process should be led by the receiving provider of electronic communications to the public. **Only a situation where an end-user is charged simultaneously by both the transferring provider and by the receiving provider for the same service during the same period, is considered double billing. Issues related to double billing are regulated by national contract law.** In order to contribute to a consistent application of provider switching and number portability rules in Member States, BEREC should issue guidelines on the global process of the switching and of the porting of numbers, taking into account technological developments. This should include, where available, a requirement for the porting to be completed though over-the-air provisioning, unless an end-user requests otherwise as well as details on the compensation process in case of delays in, or abuse of, porting and switching processes, missed service and installation appointments or failure by the provider to comply with the obligations related to switching and number portability.

(284) End-users are increasingly vulnerable to fraudulent activities carried out through interpersonal communications services. **The core element of these fraudulent activities is the intentional deceptive act or omission by one or more persons in order to obtain an advantage or benefit the persons are not entitled to, or to obtain an advantage or benefit in an unlawful manner. Without prejudice to the obligations imposed by Union or national law on electronic communications providers, it is important to note that while these providers can contribute to combat fraud, they are not liable for fraudulent activities carried out by other actors using their services.** Several Member States have introduced national measures to **help** combat evolving fraud schemes, such as CLI spoofing, phishing,

smishing, and vishing. **Such measures may also cover the detection of fraud, since there is typically a pattern that might be recognised to prevent the fraud itself or potential repetition.** However, ~~those~~ **these national** measures remain uncoordinated and reflect primarily national perspectives, enabling fraudsters to shift their activities to jurisdictions where such practices are not effectively addressed. **In order to effectively reduce these fraudulent activities a Union-wide coordinated and complementary approach is needed. At national level, providers of internet access services and of publicly available interpersonal communications services should cooperate with national competent authorities and, on request, provide data on fraudulent activities and identify effective preventive measures. Such measures should include measures pursuant Article […] on cross-sectoral cooperation for the purpose of fraud prevention and detection of regulation [PSR], including the obligation of interpersonal communication service providers to take appropriate organisational and technical measures to detect and prevent the use of their services for impersonation fraud. The information gathered at national level should be transmitted by the national authorities to the ODN.** The ODN **is best placed at Union level to** ~~should enable the~~ gather~~ing of~~ relevant information **on fraudulent activities** and best practices to **combat such activities. The data gathered would be limited to information describing the fraud scheme, without access to personal data and is without prejudice to the rights of users under Directive 2002/58/EC. Such data should** enable BEREC to issue technical and legal guidelines on the measures that could effectively protect end-users against fraudulent activities in the Union. The BEREC guidelines should enable Member States **to** adopt coordinated measures to be implemented by **electronic communication networks and** ~~interpersonal communications~~ services, with full respect of Union legislation on personal data protection. **The BEREC guidelines are without prejudice to Member States' competence to adopt measures to prevent and combat fraudulent activities before or after their adoption. In case further measures are necessary to ensure the effectiveness, coordination and complementarity of national measures,** ~~T~~**t**he Commission should be empowered to adopt delegated acts to supplement the effectiveness of **those** measures that interpersonal communications services **have to** put in place to protect end-users against fraudulent activities.

(285) Considering the particular aspects related to the reporting of missing children, Member States should maintain their commitment**, including resource allocation,** to ensure that a well-functioning service for reporting missing children is actually available in their territories under the number '116000'. Member States should take appropriate measures to ensure that a sufficient level of service quality in operating the '116000' number is achieved.

(287) **Public interest information should reach end-users via the communication channels that they regularly use. Therefore, I**~~i~~n order to address public interest issues with respect to the use of internet access services and publicly available ~~number-based~~ interpersonal communications services ~~and to encourage protection of the rights and freedoms of others~~, Member States should be able to produce and disseminate or have disseminated **such public interest information**, with the aid of providers of such services~~, public interest information related to the use of such services~~. **The wide use of number independent interpersonal communication services warrants the need to ensure that** ~~It~~ **it** should be possible to ~~include~~ **disseminate** public-interest information regarding the most common infringements and their legal consequences, for instance regarding copyright infringement, other unlawful uses ~~and~~ **or** the dissemination of harmful content**. Such public interest information may contain**~~,~~ ~~and~~ advice and means of protection against risks to personal security, for example those arising from disclosure of personal information in certain circumstances, as well as risks to privacy and personal data, and the availability of easy-to-use and configurable software or software options allowing protection for children or vulnerable persons. In addition, end-users should be made aware of the risks to personal security, privacy and personal data when using internet access services and publicly available interpersonal communications services, including protection against fraudulent activities perpetrated via those services and should be informed ~~be informed~~ on the ways they can protect themselves against those risks. The information could be coordinated by way of a cooperation procedure. Such public-interest information should be updated where necessary and should be presented in easily comprehensible formats, as determined by each Member State, and **where applicable,** on national public authority websites. Member States should be able to oblige providers of internet access services and publicly available ~~number-based~~ interpersonal communications services to disseminate this standardised information to all of their customers in a manner considered to be appropriate by the national public authorities. Dissemination of such public-interest information should, however, not impose an excessive burden on providers. If it does

so, Member States should require such dissemination **to be made** by the means used by providers in communications with end-users ~~made~~ in the ordinary course of business.

(288) In the absence of relevant rules of Union law, content, applications and services are considered to be lawful or harmful in accordance with national substantive and procedural law. Providers of electronic communications networks or services should act in accordance with requirements under Regulation (EU) 2022/2065 ~~whether content, applications or services are lawful or harmful~~. ~~This Regulation and Directive 2002/58/EC are without prejudice to Regulation (EU) 2022/2065, which, amongst others, contains a 'mere conduit' rule for intermediary service providers, as defined therein.~~

(289) ~~End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, from any device which enables number-based interpersonal communications services, including when travelling within the Union~~. Emergency communications are a means of communication that includes voice communications services, messaging, video or other types of communications, for example real-time text, total conversation and relay services. Member States, taking into account the capabilities and technical equipment of the PSAPs, should be able to determine which ~~number-based~~ interpersonal communications services are appropriate for emergency services, including the possibility to limit those options to voice communications services and their equivalent for end-users with disabilities, or to add additional **means of access** ~~options~~ as agreed with national PSAPs. **End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, from any device which enables number-based interpersonal communications services, including when travelling within the Union.** Emergency communication can be triggered on behalf of a person by an in-vehicle system system as an eCall as defined in Regulation (EU) 2015/758.

**(289a)** The European Digital Identity Wallets issued under Regulation (EU) 910/2014 of the European Parliament and of the Council[7] enables end-users to access a digital hub for essential services. **Acknowledging the potential of IP based application solutions for communication, conveyance of rich information and conveyance of contextual data between the end-user and the PSAP, the Commission could assess the opportunity of laying down technical specifications for the implementation of emergency communication applications where the European Digital Identity Wallets could serve as the end-user interface. Once such technical specifications ensure an EU-wide interoperability architecture and the implementation in the national PSAP system** ~~Therefore~~, Member States ~~have to~~**should** ensure that end-users will be ~~also~~ able to originate an emergency communication by using their digital wallet. **However, the availability of such solution would be without prejudice to the use of other means of access to emergency services mandated in the Member States.**

(290) Emergency communications and caller location information have to be routed to the most appropriate PSAP without delay to enable the appropriate answering and handling of the emergency communications. Effective routing of emergency communications should be ensured also in the context of the technological migration from circuit-switched to packet-switched technologies. The most appropriate PSAP is normally determined by the Member State on the basis of a territorial competence to handle emergency communications or the competence to handle a certain type of communication, for example a PSAP equipped to handle real-time text or sign-language communication. Interpersonal communications services provided through packet-switched technologies providing voice, text – including real-time text –, and video may be routed in the public network domain or PSAP domain. Depending on the national organisation of PSAPs, while the emergency communication reaches **the** PSAP system through the public networks, further routing may be necessary within the PSAP IP network to reach the most appropriate PSAP. In order to guarantee the availability of effective emergency communications to the benefit of all end-users, Member States should ensure the timeliness of routing to the most appropriate PSAP of all types of emergency communications **mandated on their territory** and of caller location information ~~mandated on their territory~~. Member States should be able to mandate access to emergency services through emergency communications from **certain** number-independent interpersonal communications services**,**

[7] Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73, ELI: http://data.europa.eu/eli/reg/2014/910/oj).

**based on the uptake of those services,** as long as the national PSAP system allows for receiving these communications by routing to the most appropriate PSAP and for the receipt of caller location information. This may include the designation by a Member State of a single IP gateway for receiving emergency communications. Nonetheless, such providers should inform end-users when access to the single European emergency number '112' or to caller location information is not supported.

(292) Member States should take specific measures to ensure that emergency services, including **through** the single European emergency number '112', are equally accessible to end-users with disabilities, in particular deaf, hearing-impaired, speech-impaired and deaf-blind end-users and in accordance with Directive (EU) 2019/882. The principle of equivalence implies that end-users with disabilities should be able to access emergency services through emergency communications in a functionally equivalent manner to that in which other end-users access emergency services, in particular by calling the '112' number via voice-based services.

(293) Caller location information, which applies to all emergency communications, improves the level of protection and the security of end-users and assists the emergency services in the discharge of their duties, provided that the transfer of emergency communication and associated data to the emergency services concerned is to be guaranteed by the national system of PSAPs. The reception and use of caller location information, which includes both network-based location information**,** where the network that ensures the connectivity provides that information to the service provider or the PSAP**,** and enhanced handset**-derived** caller location information, where the radio equipment device makes it available for transmission, should comply with all other requirements of Union law on the processing of personal data-. Undertakings that provide network-based location should make caller location information available to emergency services as soon as the call reaches that service, independently of the technology used. However, handset-based location technologies have proven to be significantly more accurate and cost effective due to the availability of data provided by the European Geostationary Navigation Overlay Service and Galileo Satellite system and other Global Navigation Satellite Systems and ~~Wi-Fi~~ **Wireless Local Area Network** data. Therefore, handset-derived caller location information should complement network-based location information even if the handset-derived location becomes available only after the emergency communication is set up. Member States should ensure that, where available, the handset-derived caller location information is made available to the most appropriate PSAP.

This might not be always possible, for example when the location is not available on the handset or through the interpersonal communications service used, or when it is not technically feasible to obtain that information. Furthermore, Member States should ensure that the PSAPs are able to retrieve and manage the caller location information available, where feasible. The establishment and transmission of caller location information should be free of charge for both the end-user and the authority handling the emergency communication irrespective of the means of establishment, for example through the handset or the network, or the means of transmission, for example through voice channel, SMS or IP-based. **National competent authorities should keep or adopt measures establishing caller location criteria in line with technological developments. The Commission should be empowered to adopt harmonised caller location criteria where such measure would ensure equivalent effectiveness of emergency communication in the Union.**

**(293a) End-users rely on the effectiveness of access to emergency communications via interpersonal communication services. Therefore, the interpersonal communication service provider shall inform the end-user of any changes that affect the service, on temporary or permanent basis, the possibility of end-users to access to emergency services. In case the service is affected on a temporary basis, end-users should be informed on the re-established possibility to access emergency services.**

(296) A citizen in one Member State who needs to contact the emergency services in another Member State cannot do so because the home country PSAP may not have any contact information of the PSAP systemin other Member States. A Union-wide, **comprehensive and** secure database of numbers to reach the PSAP systems in each Member State should therefore be maintained **by BEREC**. To that end, **each Member State must report the relevant E.164 numbers to** the ODN**.** ~~should maintain a secure database of E.164 numbers to contact Member State's PSAP systems, in order to ensure that the PSAPs in one Member State can be contacted by the PSAP in another.~~ **Currently the European Conference of Postal and Telecommunications Administrations (CEPT) maintains a database that contains E.164 PSAP numbers from several EU Member States and CEPT Member States. For reasons of simplification and effectiveness of cooperation with third countries BEREC may delegate task related to the maintenance of the database to a third party organisation, other than ODN, under the condition that the security of information and operational effectiveness is guaranteed and that Member States give their consent to share the**

**information with such a third party organisation. The compliance with these conditions should be assessed on regular basis by the ODN.**

(298) **Acknowledging the potential of IP based application solutions for communication, conveyance of rich information and contextual data between the national civil protection authorities and end-users, the Commission could assess the possibility of laying down technical specifications for the implementation of public warning services where the European Digital Identity Wallets serve as the end-user interface. Such technical specifications could ensure an EU-wide interoperability architecture and the implementation in the national public warning systems should be without prejudice to other pre-existing channels of public warnings.** Where the effective reach of all end-users concerned, independently of their place or Member State of residence, is ensured and fulfils the highest level of data security, Member States should be able to provide for the transmission of public warnings by using the European Digital Identity Wallets issued under Regulation (EU) 910/2014~~. while ensuring that the citizens of the Union are effectively protected when travelling in another Member State~~.

**(300a) An internet access service provider offering internet access only without any other electronic communications services such as voice telephony, messaging services and electronic mail services, should not be required to provide originating line identification under this Regulation. Conversely, publicly available interpersonal communications services providing internet access along with other electronic communications services such as voice communications or Voice over IP, text or other messaging services or e-mails, should be required to provide calling line or originating identification.**

(301) It is necessary to protect the right of the calling party to withhold the presentation of the identification of the line/originating identification from which the call is being made ('CLIR') and the right of the called party to reject calls from unidentified lines. Certain end-users, in particular **helplines**, and similar organisations, have an interest in guaranteeing the anonymity of their callers. **The technical facility for not presenting the calling line identification or originating identification of incoming calls should be ensured by providers of fixed electronic communications networks and, when technically feasable, by providers of mobile electronic communications networks.**

(306) Technology exists that enables providers of electronic communications services to limit the reception of malicious, nuisance or other fraudulent calls by end-users in different ways, including blocking of silent calls, and to assist competent authorities in tracing such calls. These calls could include calls originating from invalid numbers, i.e. numbers that do not exist in the numbering plan, or valid numbers that are not allocated to a provider of a number-based interpersonal communications service or that are not assigned to an end-user. Providers of publicly available interpersonal communications services should protect end-users by offering them, free of charge, the possibility to request the blocking of such calls, where technically feasible, or the stopping of automatic call forwarding by a third party to the end-user's terminal equipment. To this end, providers should deploy state of the art technology such as authentication **or tracing** solutions. Providers should make end-users aware of the existence of such functionalities through information accompanying the contract and by other means, for instance, by publication on their webpage, where appropriate. The possibility to block unwanted calls should be deemed to be technically feasible unless the provider demonstrates objective technical obstacles, which may exist, for instance, in PSTN networks. Number-independent interpersonal communications service providers should be able to take authentication measures to verify the users in accordance with Directive (EU) 2022/2555.

## 1. PART I - SCOPE, OBJECTIVES AND DEFINITIONS

*Article 1*

**Subject matter**

1. This Regulation establishes rules for the provision of electronic communications networks, electronic communications services, associated facilities and associated services, the strategic planning and management of radio spectrum and certain aspects of terminal equipment.

2. This Regulation also establishes a governance framework for the electronic communications sector composed of the national regulatory and other competent authorities, the Body of European Regulators for Electronic Communications ('BEREC'), the Radio Spectrum Policy Body ('RSPB'), and the Office for Digital Networks ('ODN'), laying down the tasks of BEREC, the RSPB and the ODN as well as those of national regulatory authorities and, where applicable, of other competent authorities, and establishes a set of procedures for the application of the relevant legal framework throughout the Union.

3. **This Regulation is without prejudice to actions taken by Member States for public order and public security purposes and defence.**

*Article 2*

**Definitions**

For the purposes of this Regulation, the following definitions apply:

(1) 'electronic communications network' means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed;

(2) 'gigabit network' means either an electronic communications network which consists wholly of optical fibre elements up to the network termination point, or an electronic communications network which is capable of delivering, under usual peak-time conditions, similar network performance in terms of available downlink and uplink bandwidth, resilience, error-related parameters, and latency and its variation;

This definition replaces the definition of 'very high capacity network' of Article 2(2) of Directive (EU) 2018/1972;

(3) 'electronic communications service' means a service normally provided for remuneration via electronic communications networks, which encompasses, with the exception of services providing or exercising editorial control over content transmitted using electronic communications networks and services, the following types of services:

(a) internet access service;

(b) interpersonal communications service;

(c) services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting;

(4) ‘premises passed’ means end users’ premises for which an operator has deployed its access network up to serving point (i.e. the first concentration or distribution point intended to serve that premises), such that, from receipt of the request, the operator can make the access service available within four weeks with reasonable additional built out (i.e. by carrying out only the standard premises-specific final drop connection and activation, without extending the access network beyond the serving point;

(5) ‘premises connected’ means an end-user’s premises where the access network infrastructure has been physically extended from the serving point and terminated inside the end user’s premises;

(6) ‘essential copper-based service’ means an electronic communications service delivered over legacy copper access infrastructure to the extent that it supports mission critical or essential functions, such as emergency communication, telecare systems, alarms and monitoring control systems, used by the water, energy and transport industries;

(7) ‘internet access service’ means a publicly available service that provides access to the internet, and thereby connectivity to virtually all end points of the internet, irrespective of the network technology and terminal equipment used;

(8) ‘interpersonal communications service’ means a service normally provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s), and does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service;

(9) ‘number-based interpersonal communications service’ means an interpersonal communications service which connects with publicly assigned numbering resources, namely, a number or numbers in national or international numbering plans, or which enables communication with a number or numbers in national or international numbering plans;

(10) ‘number-independent interpersonal communications service’ means an interpersonal communications service which does not connect with publicly assigned numbering resources, namely, a number or numbers in national or international numbering plans, or which does not enable communication with a number or numbers in national or international numbering plans;

(11) ‘public electronic communications network’ means an electronic communications network used wholly or mainly for the provision of publicly available electronic communications services which support the transfer of information between network termination points;

(12) ‘network termination point’ means the physical point at which an end-user is provided with access to a public electronic communications network, and which, in the case of networks involving switching or routing, is identified by means of a specific network address, which may be linked to an end-user’s number or name;

(13) ‘associated facilities’ means associated services, physical infrastructures and other facilities or elements associated with an electronic communications network or an electronic communications service which enable or support the provision of services via that network or service, or have the potential to do so, and includes buildings or entries to buildings, building wiring, antennae, towers and other supporting constructions, ducts, conduits, masts, manholes and cabinets;

(14) ‘associated service’ means a service associated with an electronic communications network or an electronic communications service which enables or supports the provision, self-provision or automated provision of services via that network or service, or has the potential to do so, and includes number translation or systems offering equivalent functionality, conditional access systems and electronic programme guides (EPGs), as well as other services such as identity, location and presence services;

(15) ‘conditional access system’ means any technical measure, authentication system and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or another form of prior individual authorisation;

(16) ‘user’ means a natural or legal person using or requesting a publicly available electronic communications service;

(17) ‘end-user’ means a user not providing public electronic communications networks or publicly available electronic communications services;

(18) ‘consumer’ means any natural person who uses or requests a publicly available electronic communications service for purposes which are outside his or her trade, business, craft or profession;

(19) ‘provision of electronic communications networks’ means the establishment, operation, control or making available of such networks;

(20) ‘application programming interface’ or ‘API’ means the software interface between applications, made available by broadcasters or service providers, and the resources in the set-top boxes intended for connection to television sets or in integrated digital television or digital radio sets;

(21) ‘radio spectrum allocation’ means the designation of a given radio spectrum band for use by one or more types of radio communications services, where appropriate, under specified conditions;

(22) ‘harmful interference’ means interference which endangers the functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

(23) ‘general authorisation’ means a legal framework ensuring rights and laying down obligations for the provision of electronic communications networks or services in the internal market, in accordance with this Regulation;

(24) ‘small-area wireless access point’ means low-power wireless network access equipment of a small size operating within a small range, using licensed radio spectrum or licence-exempt radio spectrum or a combination thereof, which may be used as part of a public electronic communications network, which may be equipped with one or more low visual impact antennae, and which allows wireless access by users to electronic communications networks regardless of the underlying network topology, be it mobile or fixed;

(25) ‘radio local area network’ or ‘RLAN’ means a low-power wireless access system, operating within a small range, with a low risk of interference with other such systems deployed in close proximity by other users, using, on a non-exclusive basis, harmonised radio spectrum;

(26) ‘harmonised radio spectrum’ means radio spectrum for which harmonised technical conditions relating to its availability and efficient use have been established by way of implementing measures in accordance with Article 4 of Decision No 676/2002/EC;

(27) ‘shared use of radio spectrum’ means access, on an equal or hierarchical order of protection, by two or more technologies or users, to the same radio spectrum bands or channels, in order to ensure the efficient use thereof, which can be based on a defined sharing arrangement between users, authorised on the basis of a general authorisation, individual rights of use for radio spectrum or a combination thereof; it includes regulatory approaches such as licensed shared access that guarantee to all users predictable and reliable sharing conditions;

(28) ‘access’ means the making available of facilities or services to another undertaking, under defined conditions, either on an exclusive or a non-exclusive basis, for the purpose of providing electronic communications services, information society services or broadcast content services; it covers, inter alia: access to electronic communications networks and network elements and associated facilities, which may involve the connection of equipment, by fixed or non-fixed means (in particular this includes access to the local loop and to facilities and services necessary to provide services over the local loop); access to physical infrastructure including buildings, ducts and masts; access to relevant software systems including operational support systems; access to information systems or databases for pre-ordering, provisioning, ordering, maintaining and repair requests, and billing; access to number translation or systems offering equivalent functionality; access to fixed and mobile networks, in particular for roaming; access to conditional access systems for digital television services and access to virtual network services;

(29) ‘interconnection’ means a specific type of access implemented between providers of electronic communications networks by means of the physical and logical linking of electronic communications networks used by the same or a different undertaking in order to allow the users of one undertaking to communicate with users of the same or another undertaking, or to access services provided by another undertaking where such services are provided by the parties involved or other parties who have access to the network;

(30) ‘operator’ means an undertaking providing or authorised to provide a public electronic communications network or an associated facility;

(31) ‘local loop’ means the physical path used by electronic communications signals connecting the network termination point to a distribution frame or equivalent facility in the fixed public electronic communications network;

(32) ‘call’ means a connection established by means of a publicly available interpersonal communications service allowing two-way voice communication;

(33) ‘voice communications service’ means a publicly available electronic communications service for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international numbering plan;

(34) ‘geographic number’ means a number from the national numbering plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the network termination point;

(35) ‘non-geographic number’ means a number from the national numbering plan that is not a geographic number, such as mobile, freephone and premium-rate numbers;

(36) ‘total conversation service’ means a multimedia real-time conversation service that provides bidirectional symmetric real-time transfer of motion video, real-time text and voice between users in two or more locations;

(37) ‘public safety answering point’ or ‘PSAP’ means a physical location where emergency communication is received under the responsibility of a public authority or a private organisation recognised by the Member State;

(38) ‘most appropriate PSAP’ means a PSAP established by responsible authorities to which emergency communication is routed and that is competent to convey contextual information to emergency services from the relevant area of intervention;

(39) ‘emergency communication’ means communication by means of interpersonal communications services between an end-user and the PSAP with the goal to request and receive emergency relief from emergency services**;**

**(39a) ‘providers of emergency communications’ means providers of electronic communication networks or services mandated under Union or national law to provide access to emergency services or to convey emergency communications traffic**.

(40) ‘effective emergency communication’ means emergency communication that ensures timely communication between the end-user and the most appropriate PSAP, and makes available in a timely manner contextual information, including caller location information;

(41) ‘contextual information’ means the information conveyed through emergency communication by the end-user or derived and transmitted automatically from the terminal equipment of the end-user or the relevant network in order to enable the timely identification of the intervention resources of emergency services and the fast arrival of emergency services at the intervention scene;

(42) ‘emergency service’ means a service, recognised as such by the Member State, that provides immediate and rapid assistance in situations where there is, in particular, a direct risk to life or limb, to individual or public health or safety, to private or public property or to the environment, in accordance with national law;

(43) ‘caller location information’ means, in a public mobile network, the data processed, derived from network infrastructure or handsets, indicating the geographic position of an end-user’s mobile terminal equipment, and, in a public fixed network, the data about the physical address of the network termination point;

(44) ‘terminal equipment’ means terminal equipment as defined in Article 1, point (1), of Commission Directive 2008/63/EC[8];

(45) ‘satellite communications services’ means services whose provision makes use, wholly or partly, of the establishment of radiocommunications from satellite ground stations or their complementary ground and airborne components to space station (‘uplinks’), and/or the establishment of radiocommunications from a space station to satellite ground stations or their complementary ground and airborne components (‘downlinks’);

[8] Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in telecommunications terminal equipment (OJ L 162, 21.6.2008, p. 20, ELI: http://data.europa.eu/eli/dir/2008/63/oj).

(46) ‘provision of satellite networks’ means the establishment and operation of satellite systems, satellite ground stations and, where applicable, their complementary ground and airborne components;

(47) ‘satellite ground station’ means equipment on Earth which is capable of being used either for transmission-only, or for transmission and reception (‘transmit-receive’), or for reception only (‘receive-only’), of radiocommunication signals by means of satellites or other space-based systems. This includes, but is not limited to, ground stations, terminals and terrestrial-based equipment needed to communicate with satellites or other space stations;

(48) ‘complementary ground and airborne components’ means ground-based or airborne stations of satellite networks used at fixed or changing locations, in order to improve the availability of satellite communications services in geographical areas within the footprint of the system’s satellite(s), where communications with one or more space stations cannot be ensured with the required quality;

(49) ‘personal data’ means personal data as defined in Article 4, point (1), of Regulation (EU) 2016/679;

(50) ‘consent’ means consent as defined in Article 4, point (11), of Regulation (EU) 2016/679.

**(50a) ‘information society service’ means a ‘service’ as defined in Article 1(1), point (b), of Directive (EU) 2015/1535;**

*Article 3*

**General objectives and principles**

1. In the context of this Regulation, Member States, national regulatory and other competent authorities, as well as BEREC, the RSPB, the ODN and the Commission, shall, in accordance with their respective competences, pursue the following general objectives which are not listed in order of priority:

**(-a) promote competition in electronic communications networks and services, with a view to ensuring the provision of high-quality, affordable and publicly available electronic communications services to all end-users;**

(a) reinforce the competitiveness of the connectivity sector and industry at-large by facilitating investments in advanced digital infrastructures, including cloud and AI based solutions, by enabling innovative services, including quality-assured and reliable services, and by facilitating cooperation among players in the broader digital ecosystem;

(b) develop a single market for electronic communications facilitating network operation and service provision across borders within the Union, the development of trans-European digital networks and the provision of innovative electronic communications networks and services including pan-European satellite communications services;

(c) reinforce the resilience and preparedness of electronic communications networks and services **and associated facilities** at Union level, by fostering cooperation among public authorities and providers of electronic communications networks or services in building the necessary resilience capacities~~,~~ and in ensuring security and defence interests of the Union and its Member States;

(d) promote investment in connectivity and widespread availability, access to and take-up of gigabit networks, including fixed, mobile and wireless networks, to the benefit of all citizens and businesses of the Union, in terms of price, quality**,** ~~and~~ choice**, resilience and security**;

(e) ~~ensure the provision of high-quality, affordable and publicly available electronic communications services to all end-users through effective competition in electronic communications networks and associated facilities, including efficient infrastructure-based competition, and in electronic communications services and associated services throughout the Union;~~

(f) promote the interests of the citizens of the Union and safeguard the protection of end-users' rights, including the equal and non-discriminatory treatment of traffic in the provision of internet access services, so that all end-users continue to benefit from a large choice of advanced affordable and high-quality services; and guarantee a high and common level of protection in particular ~~in particular~~ for vulnerable consumers, including affordable pricing, choice and equivalent access;

(g) promote **environmental** sustainability by facilitating investments in energy-efficient and low-carbon digital networks and solutions and incentivise end-to-end traffic efficiency;

(h) support the objectives of other Union policies relying on radio spectrum including space and common security and defence policy.

2. When exercising their competences or carrying out their tasks in the pursuit of the general objectives, national regulatory and other competent authorities, BEREC, the RSPB, the ODN and the Commission shall act impartially, objectively, transparently and in a non-discriminatory and proportionate manner. In particular, they shall apply the following principles:

(a) promote regulatory predictability to guarantee consistent regulatory approaches, **including** through mutual cooperation;

(b) ensure that, in similar circumstances, measures are applied consistently and that there is no discrimination in the treatment of providers of electronic communications networks or services;

(c) take due account of the potential regulatory and administrative burden imposed by regulatory decisions and strive to limit them as much as possible;

(d) apply Union law in a technologically neutral fashion, to the extent that this is consistent with the achievement of the general objectives set out in this Article;

(e) take due account of the variety of conditions relating to infrastructure, competition, the circumstances of end-users and, in particular, consumers in the various geographic areas within a Member State.

## 2. PART II - RESILIENCE

*Article 4*

**Role of electronic communications networks and services and associated facilities in ensuring resilience**

Taking into account the essential role of electronic communications networks and services **and associated facilities** - for the overall resilience of Union society and economy, providers of electronic communications networks or services referred to in Article 5(1) of this Regulation, BEREC, the ODN, national regulatory **authorities** and competent authorities designated pursuant to Article 8(1) of Directive (EU) 2022/2555, national crisis management and civil protection authorities, including cyber crisis management authorities designated pursuant to Article 9(1) of Directive (EU) 2022/2555, shall contribute, within their respective competences, to the anticipation, prevention and response to natural or man-made disruptions, crises or force majeure that may **have a** ~~negatively~~**severe** ~~affect~~ **impact on** the population**, and take into account the Union preparedness plan referred to in Article 6**~~, through the coherent implementation of preparedness-related obligations under this Regulation and in line with the relevant Union and national civil protection, crisis management and response mechanisms~~.

*Article 5*

**Availability and capabilities of electronic communications networks and services**

1. Providers of public electronic communications networks, publicly available electronic communications services**, associated facilities** and other providers referred to in Article 9(2), national regulatory authorities, national competent authorities designated pursuant to Article 8(1) of Directive (EU) 2022/2555[9] and other competent authorities including, where relevant, national crisis management and civil protection authorities, including cyber crisis management authorities designated pursuant to Article 9(1) of Directive (EU) 2022/2555, **and other relevant competent authorities,** shall cooperate to ensure the continuous availability of electronic communications networks and services as well as their necessary capabilities to anticipate, prevent, prepare for and respond to natural or man-made disruptions, crises or

[9] Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive)), (OJ L 333, 27.12.2022, p 80, ELI: http://data.europa.eu/eli/C/2025/3445/oj).

force majeure that may **have a significant adverse** ~~negatively affect~~ **impact on** the population.

~~In doing so, authorities and providers referred to in the first subparagraph shall take into utmost account the BEREC Union Preparedness Plan for Digital Infrastructures referred to in Article 6.~~

2. Without prejudice to Directive (EU) 2022/2555 **and Directive (EU)2022/2557**, providers referred to in paragraph 1 of this Article and PSAPs shall take all necessary measures, with consideration of the ~~BEREC~~ Union Preparedness Plan for Digital Infrastructures referred to in Article 6 of this Regulation, to ensure uninterrupted availability of critical communications and emergency communications, as well as uninterrupted transmission of public warnings, in the case of natural or man-made disruptions, crises or force majeure that may negatively affect the population.

3. When implementing **adaptations or changes** ~~new technologies~~ in their electronic communications networks or services, providers of public electronic communications networks and publicly available electronic communications services and PSAPs shall take all the necessary preparatory measures, including **for example** testing and validation of solutions, to ensure ~~the availability~~ **that** ~~of~~ emergency communication**s, critical communications** and public warning services within the Union **are available prior to implementation**.

4. Where the migration to other network technologies may result in the discontinuation of services on currently used end-user devices, providers of public electronic communications networks and of publicly available electronic communications services shall inform national competent authorities and end-users at least 2 years in advance, by providing a roadmap reflecting the migration process.

*Article 6*

**Union Preparedness Plan for Digital Infrastructures**

1. By **[***18~~2~~ months after the date of entry into force of this Regulation***]**, BEREC shall adopt a report, entitled 'Union Preparedness Plan for Digital Infrastructures' ('the Plan'), with a view to strengthening the resilience and preparedness of electronic communications networks and services**, associated facilities** and other digital infrastructures at Union level in the event of natural or man-made disruptions, crises or force majeure which may have a significant adverse impact on the population or the functioning of the internal market.

2. The Plan shall include:

   (a) a comprehensive assessment of the architecture, capacities, capabilities and use of electronic communications networks of providers referred to in Article 5(1), prepared on the basis of information collected pursuant to Article 7(2) of this Regulation and transmitted to the ODN in accordance with Article 7(3) of this Regulation**, while avoiding duplication with information already collected under Union or national law and ensuring the appropriate protection of confidential, commercially sensitive and security-sensitive information;**

   (b) a set of operational recommendations on network resilience measures based on, among others, the assessment under point (a);

   (c) **recommended** crisis management practices.

   The assessment referred to in the first sub-paragraph, point (a), shall, ~~among other~~ **for example**, provide an overview of network topology at Union level, identify route diversification, potential bottlenecks or points of failure and areas where resilience-related measures, such as strategic investments to support redundancy, in particular for trans-European digital networks, are needed. The assessment shall be handled in accordance with applicable Union and national rules on the protection of classified information. The information contained therein shall be presented in aggregated form, to prevent exact geolocation of sensitive assets.

The operational recommendations referred to in the first sub-paragraph, point (b), shall include recommendations ensuring the technical capability of electronic communications networks to integrate with different types of terrestrial and non-terrestrial networks ~~such as satellite networks~~, capabilities to ensure the continuity of essential communications networks and services during situations of increased demand, network congestion, or natural or man-made disruptions including, but not limited to, system outage threats, such as intentional harmful interference, or other measures considered instrumental in ensuring service availability and necessary network capabilities.

The crisis management practices referred to in the first sub-paragraph, point (c), shall be addressed to the national regulatory and other competent authorities and aim ~~at~~ **to support cooperation and information exchange between relevant authorities,** harmonised procedures, coordination arrangements and operational protocols to be applied in the event of natural or man-made disruptions, crises or force majeure. The crisis management practices shall be consistent with and complementary to relevant Union and national civil protection, crisis management and response mechanisms**, including the cybersecurity crisis management framework established under Directive (EU) 2022/2555 and the mandate of ENISA under Regulation [CSA2], and shall not duplicate or replace existing Union or national cybersecurity crisis management structures, procedures or coordination mechanisms**.

*Article 7*

**Cooperation and data gathering supporting the preparation of the Plan**

1. To support BEREC, the ODN shall prepare the draft Plan in close cooperation with the Commission and, where it concerns the preparedness and resilience of electronic communications networks**,** ~~and~~ services **and associated facilities**, with the Cooperation Group established by Article 14 of Directive (EU) 2022/2555, and in consultation with ENISA and the relevant European crisis response and civil protection coordination authorities, **and relevant national regulatory and other competent authorities** as appropriate. The Plan shall be reviewed and updated regularly based on, among others, information collected under paragraph 2 of this Article.

2. To support the preparation of the Plan, national regulatory authorities **or other competent authorities** shall, on a biennial basis, collect information on the architecture, capacity, capabilities and use of public electronic communications networks, publicly available electronic communications services and, where relevant, networks used, wholly or mainly, for the purpose of providing electronic communications services or information society services available to the public, insofar as such information has not already been made available to them or to other national competent authorities pursuant to Union law or national law.

3. Requests for information under paragraph 2 shall be reasoned, proportionate and limited to what is strictly necessary for the performance of tasks related to resilience and preparedness. The information shall be transmitted to the ODN on a biennial basis**, where necessary in aggregated or otherwise protected form, in accordance with the relevant security rules adopted pursuant to Article 170.**

4. By [6 *months after the date of entry into force of this Regulation*]**,** BEREC shall, in close cooperation with the Commission and ENISA, publish a common template to be used by national regulatory authorities for the collection of the information referred to in paragraph 2.

*Article 8*

**Cooperation with the Commission, other Union bodies or expert groups**

1. Where a natural**, machine-made** or man-made disruption, crisis or force majeure involves or coincides with a large-scale cybersecurity incident within the meaning of Article 6, point (7) of Directive (EU) 2022/2555, BEREC **and the national regulatory and other competent authorities** shall provide the European Cyber Crisis Liaison Organisation Network (EU-CyCLONe) and the Commission with relevant information to ensure shared situational awareness and coherence in crisis response.

2. Upon request, the ODN shall share with the Commission details of the analysis used to prepare the Plan in accordance with Article 6. The Commission shall take such information into account in the development and implementation of funding instruments, including strategic investments in trans-European digital networks or when adopting policies or measures to enhance the resilience and preparedness of electronic communications networks, as appropriate.

3. The tasks and actions under this Part shall not affect the tasks of ENISA, the Computer Security Incident Response Team (CSIRT) network, EU-CyCLONe, the Cooperation Group established by Directive (EU) 2022/2555**, the Group established by article 19 of Directive (EU) 2022/2557** or other expert groups or coordination systems under the Union civil protection law.

## 3. PART III - SINGLE MARKET AUTHORISATION AND PASSPORTING

*Article 9*

**General authorisation**

1. The freedom to provide electronic communications networks and services shall be subject to the conditions and obligations set out in this Regulation. Member States may limit the freedom to provide electronic communications networks and services only for the reasons set out in Article 52(1) TFEU ~~on grounds of public policy, public security or public health~~. Any such limitation shall be duly reasoned and shall be notified to the Commission.

2. The general authorisation regime shall apply to ~~providers of~~ public**ly available** electronic communications services and ~~providers of~~ electronic communications networks used, wholly or mainly, for the purpose of providing **publicly available** electronic communications services or **publicly available** information society services ~~available to the public~~.

3. The general authorisation regime shall not apply to number-independent interpersonal communications services.

4. Under the general authorisation regime, the right to provide electronic communications networks and services shall be subject only to the following conditions:

   (a) compliance, as applicable to the provider, with requirements for resilience and preparedness of networks during natural or man-made disruptions, crises or force majeure under **Union and national law** ~~this Regulation and terms of use for communications from public authorities to the general public for warning the public of imminent threats and for mitigating the consequences of major catastrophes~~;

(b) compliance, as applicable to the provider, with terms of use for critical communication services during major disasters or national emergencies to ensure communications between emergency services and authorities;

(c) compliance, as applicable to the provider, with the standards or specifications referred to in Article 187;

(d) compliance, as applicable to the provider, with cybersecurity rules, including ICT supply chain security requirements imposed in accordance with the Cybersecurity Act which is to replace Regulation (EU) 2019/881 of the European Parliament and of the Council[10];

(e) enabling of access to data by law enforcement and judicial authorities, including for lawful interception and data retention in accordance with applicable Union or national legislation, in the Member States in which the service is provided, which complies with Union law, as applicable to the provider;

(f) maintenance of the integrity of public electronic communications networks, including by conditions to prevent electromagnetic interference between electronic communications networks or services in accordance with Directive 2014/30/EU[11], as applicable to the provider;

(g) compliance, as applicable to the provider, with requirements or measures on interconnection in accordance with Article 66;

(h) ~~for electronic communications networks and services,~~ compliance, as applicable to the provider, with relevant international agreements relating to the use of scarce resources which are not subject to granting of individual rights of use;

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10 Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 15, ELI: http://data.europa.eu/eli/reg/2019/881/oj).

11 Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 153, 22.5.2014, pp. 62–106, ELI: http://data.europa.eu/eli/dir/2014/53/oj), as amended by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 (OJ L 30, 11.09.2018, ELI: http://data.europa.eu/eli/dir/2014/30/2018-09-11), and by Directive (EU) 2022/2380 of the European Parliament and of the Council of 23 November 2022 amending Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (OJ L 315, 7.12.2022, p. 30, ELI: http://data.europa.eu/eli/dir/2022/2380/oj).

(i) interoperability of services in accordance with this Regulation, as applicable to the provider;

(j) where appropriate, administrative charges in accordance with Article 12.

Additional conditions for the use of radio spectrum shall apply in accordance with Article 20 and 21, as applicable to the provider.

Additional conditions for the use of numbering resources which are assigned from the national numbering plans and, when applicable from the Union numbering plan, shall apply in accordance with Articles 46 and 50, as applicable to the provider.

***Article 9a***

**Union Digital Notifications Platform**

1. **The Office of Digital Networks (ODN) shall establish, operate and maintain a multi-lingual Union Digital Notifications Platform ('UDNP') in accordance with Regulation (EU) 2024/903 and Article 202 of this Regulation.**

2. **The UDNP shall constitute the single electronic interface for the submission, processing and management of notifications under this Regulation, including notifications relating to the commencement, modification, expansion or cessation of the provision of electronic communications networks or services.**

3. **The UDNP shall enable the electronic transmission of notifications to the relevant national regulatory authorities and the automatic acknowledgement of complete notifications.**

4. **The UDNP shall provide access to:**

   **(a) the BEREC Guidelines referred to in Article 11;**

   **(b) the general authorisation conditions;**

   **(c) relevant national provisions related to the general authorisation conditions;**

   **(d) any other information required for the operation of the Single Passport procedure under this Regulation.**

5. **National regulatory authorities shall ensure that the information referred to in paragraph 4 is accurate, up to date and reviewed at least every six months.**

6. **The existing Union database containing notifications submitted to national regulatory authorities pursuant to Directive (EU) 2018/1972 shall be incorporated into the UDNP no later than [*six months*] after the entry into force of this Regulation.**

*Article 10*

**Single Passport procedure**

**1. A provider intending to commence, modify, expand or cease the provision of electronic communications networks or services in one or more Member States shall submit a notification to the ODN through the UDNP in accordance with Article 10.**

**2. In respect of existing electronic communications networks or services already authorised under (EU) Directive 2018/1972, a provider may submit a general authorisation notification under the Single Passport procedure.**

**3. The notification shall consist of a declaration by a natural or legal person to the ODN of the intention to commence, modify, expand or cease the provision of electronic communications networks or services.**

**4. The notification shall contain the following information:**

**(a) the name of the provider, its legal status, form and registration number, where the provider is registered in a trade or other similar public register in the Union;**

**(b) the geographical address of the provider's main establishment in the Union, if any, and, where applicable, any secondary branch in a Member State;**

**(c) the provider's website address, where applicable, associated with the provision of electronic communications networks or services;**

**(d) the name and contact details of a contact person**

**(e) the Member States concerned and, for each of these Member States, a short description of the networks or services intended to be provided, and the associated estimated date for starting the activity.**

**5. A notification shall be deemed complete and valid where it contains all the information required pursuant to paragraph 4. A complete and valid notification shall be automatically acknowledged by electronic means through the UDNP.**

**6. Upon receipt of a notification, the ODN shall, via the UDNP, automatically inform the relevant national regulatory authorities about notifications received.**

**7. Any commencement, modification, expansion or cessation of the provision of the electronic communications networks or services may only be pursued upon acknowledgement of a complete and valid notification.**

**8. No provider shall be required to obtain a decision or any other administrative act by any regulatory or other competent authority, in which the provider intends to operate, before exercising the rights derived from the general authorisation.**

**9. Electronic communications networks and services shall be notified under Directive (EU) 2018/1972 until [*12 months after the date of entry into force of this Regulation*].**

**10. From [*12 months after the entry into force of this Regulation*], all notifications relating to the commencement, modification, expansion or cessation of electronic communications networks or services shall be submitted exclusively through the Single Passport procedure.**

~~1. Under the general authorisation regime, where a provider intends to provide electronic communications networks or services in one or several Member States, it shall submit a notification to the national regulatory authority of one of those Member States under the Single Passport procedure.~~

~~2. Providers shall not be required to obtain a decision or any other administrative act by any regulatory authority of the Member State of notification, in which the provider intends to operate, before exercising the rights derived from the general authorisation.~~

~~3. The notification referred to in paragraph 1 shall be made by means of a notification template in accordance with BEREC guidelines issued pursuant to Article 125 not later than 6 months after the entry into force of this Regulation. BEREC shall update the relevant guidelines where necessary.~~

4. The notified regulatory authority shall transmit the notification received to the ODN without undue delay. Where the notification concerns the start of provision of networks and services in several Member States, the ODN shall transmit it for information to the competent authorities of the other Member States where the provider intends to operate without undue delay.

5. Where the notification concerns the intent of a provider already operating in one or several Member States to extend its operations to additional Member States, the ODN shall transmit such notification for information to the competent authorities of all the Member States concerned, including those Member States where the provider already provides electronic communications networks or services.

6. Under the Single Passport procedure, the notified authority shall confirm to the provider the authorisation to provide electronic communications networks or services within one week of the submission of the notification referred to in paragraph 1. The confirmation shall include information concerning all the general authorisation conditions applicable in the Member State or Member States, in which networks or services are intended to be provided, as well as related obligations and rights derived from the authorisation. Where the notification concerns the intent of a provider already operating in one or several Member States to extend its operations to additional Member States, the confirmation shall include information concerning the general authorisation conditions applicable in the additional Member States.

7. Once the notification is confirmed, the provider may exercise the rights derived from the general authorisation and start the activity, where necessary subject to the provisions on the rights of use under this Regulation.

8. The ODN shall maintain a publicly available Union database of the notifications submitted to the national regulatory authorities. The notified authorities shall update the information about all received notifications in the database at least every two months.

9. For electronic communications networks and services notified before [*6 months after the date of entry into force of this Regulation*], no new notification shall be required. Providers may notify to the notified national regulatory authority to obtain a new general authorisation for existing networks or services under the Single Passport procedure. When deploying new electronic communications networks or services, providers shall be subject to the Single Passport procedure concerning these new networks or services.

*Article 11*

Guidelines, **enforcement powers and cooperation ~~and mutual assistance~~**

1. By *[6 months after the date of entry into force of this Regulation*], BEREC shall, in close cooperation with the Commission and other competent authorities, including contact points designated in accordance with paragraph 2 of this Article, publish guidelines to ensure that all the conditions listed in Article 9(4) are applied in a coherent, non-discriminatory and proportionate manner and are accessible to providers via the ODN webpage.

2. Each Member State shall designate a national single contact point tasked with communicating with the ODN and **providing the ODN** with ~~maintaining~~ up-to-date information about the national legislation and procedures applicable to the provision of electronic communications networks and services, in particular those related to general authorisation conditions, including the conditions regarding cybersecurity, access to data and data protection and the obligations laid down in this Regulation.

3. The ~~procedures concerning notification, confirmation for start of activitiesand mutual assistance for enforcement and the arrangements for the exchange of information between national competent authorities and the ODN in accordance with Regulation (EU) 2024/903 may be further specified by the~~ Commission ~~by means of implementing acts. Those~~ **through** implementing acts ~~shall be~~ adopted in accordance with the procedure referred to in Article 199(4)**,** ~~.~~ **may specify:**

   **(a) procedures concerning notification, cooperation on general authorisation matters, and mutual assistance between national regulatory authorities for enforcement concerning the provision of electronic communications networks and services in several Member States under the Single Passport procedure; and**

   **(b) arrangements for the exchange of information between national competent authorities and the ODN in accordance with Regulation (EU) 2024/903.**

4. **To ensure effective and consistent supervision and enforcement of compliance with general authorisation conditions in all Member States, national regulatory authorities shall cooperate with each other through the single contact points, by exchanging information, including enforcement measures related to breaches of the general authorisation conditions, coordinating approaches and providing mutual assistance for enforcement.**

5. **National regulatory authorities of the Member States where electronic communications networks and services are provided shall have the power to monitor and supervise compliance with the general authorisation conditions referred to in Article 9(4) in accordance with Article 196.**

6. **When a breach of a general authorisation condition occurs in only one Member State, the national regulatory authority of that Member State shall have the right to impose measures in accordance with Article 196, paragraphs 4, 9 and 11.**

7. **Without prejudice to the powers of national regulatory authorities to monitor, supervise and enforce compliance with the general authorisation conditions in accordance with Article 196, including paragraphs 4, 9 and 11 therein, where:**

   **(a) the same provider breaches a condition attached to the general authorisation in two or more Member States; and**

   **(b) the breach persists notwithstanding the enforcement measures taken by the competent authorities of the Member States concerned pursuant to this Regulation or other applicable provisions of Union law related to that condition.**

   **The national regulatory authority of the Member State in which the provider has its main establishment within the Union shall, at the request of the national regulatory authority of one of the Member States concerned, impose the measures provided for in Article 196, paragraphs 9 and 11, with regard to and in cooperation with the Member States where the breach occurs.**

   **Any such measures shall be adopted only with the agreement of the national regulatory authority of each Member State in whose territory the breach occurs and shall take effect only within the territory of that Member State.**

*Article 12*

**Administrative charges**

1. Where Member States impose administrative charges on undertakings providing electronic communications networks or services under the general authorisation or to which a right of use has been granted, those charges shall:

   (a) cover, in total, only the administrative costs incurred in the management, control and enforcement of the general authorisation ~~system~~ **regime** and of the rights of use and of specific obligations as referred to in Articles 67, 68(1) 69 and 77, which may include costs for international cooperation, harmonisation and standardisation, market analysis, monitoring compliance and other market control, as well as, where appropriate, work involving preparation and enforcement of administrative decisions, such as decisions on access and interconnection;

   (b) be imposed upon the individual undertakings in an objective, transparent and proportionate manner.

   **Administrative charges under Article [11] may be imposed by both the national regulatory authority of main establishment and by other national regulatory authorities of the Member States where networks or services are provided.**

2. Undertakings ~~of the~~ **with a** turnover below a certain threshold or the activities of which do not reach a minimum market share or have a very limited territorial scope, shall not be subject to administrative charges. **The *de minimis* threshold shall be determined at national level.**

3. Where administrative charges are imposed, national regulatory or other competent authorities shall publish an annual overview of their administrative costs and of the total sum of the charges collected. Where there is a difference between the total sum of the charges and the administrative costs, appropriate adjustments shall be made.

## 4. PART VI - SERVICES

## 4.1. TITLE I: UNIVERSAL SERVICE OBLIGATIONS

*Article 87*

**Universal service**

1. All consumers in the Union shall be entitled to have access to an affordable and adequate internet access service and to voice communications services**, including the underlying connection, regardless of the access technology used,** at the quality specified in their territories, at a fixed location.

2. Each Member State shall, in light of the minimum bandwidth enjoyed by the majority of consumers in their territory, and taking into account the BEREC guidelines as provided for in the second subparagraph of this paragraph, define the adequate internet access service referred to in paragraph 1 with a view to ensuring bandwidth necessary for social and economic participation in society.

   By [*12 months after the date of entry into force of this Regulation*], BEREC shall, after consulting stakeholders, and in close cooperation with the Commission, taking into account available Commission (Eurostat) data, issue guidelines to support the definition of adequate internet access service referred to in paragraph 1 and the specification of the bandwidth necessary for social and economic participation in society. The guidelines shall be updated regularly**, including upon request of the Commission,** to reflect technological advances and changes in consumer usage patterns.

*Article 88*

**Provision of affordable universal service**

1. National regulatory authorities in coordination with other competent authorities shall monitor annually the evolution and level of retail prices of the services referred to in Article 87(1) available on the market, in particular in relation to national prices and national consumer income.

2. Where Member States establish that, in light of national conditions, retail prices for the services referred to in Article 87(1) are not affordable **in the national territory or parts thereof**, because consumers with low income or special social needs are prevented from accessing such services, they shall take measures to ensure affordability for such consumers of adequate internet access service and voice communications services at least at a fixed location.

3. Where Member States decide to require tariff options or packages, these shall be offered by all providers. These offers shall be easily accessible to consumers with low income or special social needs. National regulatory authorities in coordination with other competent authorities shall ensure, where applicable, that the conditions under which undertakings provide tariff options or packages are fully transparent and are published and applied in accordance with the principles of non-discrimination and efficiency.

   Consumers entitled to the tariff options or packages referred to in the first subparagraph of this paragraph shall have a right to conclude a contract with a provider of adequate internet access service and voice communications services.

   When a consumer so requests, the contract shall be limited to voice communications services.

4. Member States shall provide support, as appropriate, to consumers with disabilities and take other specific measures where appropriate, with a view to ensuring that related terminal equipment and specific equipment and services that enhance equivalent access, including where necessary total conversation services and relay services, are available and affordable.

5. ~~Member States shall use the most efficient and appropriate approach for~~ **In taking** the measures referred to in this Article, **Member States shall** ~~whilst~~ respect~~ing~~ the principles of objectivity, transparency, non-discrimination and proportionality and ensur**e**~~eing~~ compatibility with the internal market, including competition ~~rules~~ **law**.

*Article 89*

**Defining adequate internet access service, necessary bandwidth, criteria and methodology for affordability**

The Commission may, taking into account technological advances and changes in consumer usage patterns, adopt implementing acts to determine the methodology ~~to~~ **for** defining the adequate internet access service, including the bandwidth necessary for social and economic participation in society referred to in Article 87 in light of national conditions. The implementing acts shall also include criteria and methodology to be considered by the national regulatory authorities in coordination with other competent authorities for establishing whether the retail prices of the services referred to in Article 87(1) are affordable for consumers with low income or special social needs referred to in Article 88.

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4).

*Article 90*

**Availability of universal service**

1. Where a Member State has established, taking into account the results of the geographical survey conducted in accordance with Article 183, as well as any additional evidence where necessary, that the availability at a fixed location of an adequate internet access service as defined in accordance with Article 87(2) and of voice communications services cannot be ensured under normal commercial circumstances in the national territory or different parts thereof, Member States shall use public policy tools and, where other public policy tools ~~did~~ **do** not provide the desired effect, they may impose universal service obligations to ensure that all reasonable requests by consumers, microenterprises, small enterprises and not-for-profit organisations for accessing those services in the relevant parts of their territory are met.

2. Where ~~other measures or public policy tools did not provide the desired effect and~~ Member States decide to impose the universal service obligations referred to in paragraph 1, they may entrust one or more undertakings the provision of such obligations throughout the national territory, or to cover specific parts of the national territory.

Member States shall use the most efficient and appropriate approach for the measures referred to in this paragraph **and shall seek to minimise market distortions**, whilst respecting the principles of objectivity, transparency, non-discrimination and proportionality, ensuring compatibility with the internal market, including competition ~~rules~~**law**.

*Article 91*

**Control of expenditure and additional facilities and services**

1. In providing facilities and services additional to those referred to in Article 87, providers of an adequate internet access service and of voice communications services in accordance with Articles 87, 88 and 90 shall establish terms and conditions in such a way that the eligible end-user is not obliged to pay for facilities or services which are not necessary or not required for the service requested.

2. Providers of an adequate internet access service and of voice communications services referred to in Article 87 that provide services pursuant to Article 88 shall offer the following specific facilities and services to consumers benefiting from measures pursuant to Article 88, as applicable, in order that consumers can monitor and control expenditure:

   (a) selective barring for outgoing calls or premium SMS or MMS, or, where technically feasible, other kinds of similar applications;

   (b) pre-payment systems;

   (c) phased payment of connection fees;

   (d) proportionate, non-discriminatory and published measures, ensuring due warning of any consequent service interruption or disconnection, to cover non-payment of bills issued by providers and measures to avoid unwarranted disconnection of services, including an appropriate mechanism to check continued interest in using the service;

   (e) tariff advice;

   (f) cost control, including free-of-charge alerts to consumers in the case of atypical or excessive consumption patterns;

   (g) facility to deactivate third party billing.

*Article 92*

**Transitional provisions regarding designations of undertakings under Directive (EU) 2018/1972 and review of universal service**

1. Undertakings that before *[6 months after the date of entry into force of this Regulation]* were designated for the provision of specific tariff options or packages or for ensuring the availability at a fixed location of an adequate broadband internet access service and of voice communications services under Directive (EU) 2018/1972 shall ~~maintain~~ **keep** their status **in accordance with the conditions set out in the designation act** ~~until the expiry of such designations~~ **in accordance with Articles 88 and 90**.

2. BEREC shall monitor the availability and affordability regarding adequate internet access and voice communications in light of market and technological developments and shall, by 30 June 2033, publish an opinion on such developments and on their impact on the application of the availability and affordability.

3. By 30 June 2034 the Commission, taking account of the BEREC opinion, shall review the scope of the affordable universal service of Article 88 and availability of universal service of Article 90, in particular with a view to proposing to the European Parliament and to the Council that the scope be changed or redefined.

   The review shall be undertaken in light of social, economic and technological developments, including transition to fibre and taking into account, inter alia, prevailing technologies used by the majority of consumers. The Commission shall submit a report to the European Parliament and to the Council regarding the outcome of the review.

## 4.2. TITLE II: OPEN INTERNET ACCESS

*Article 93*

**Safeguarding of open internet access**

1. End-users shall have the right to access and distribute information and content, use and provide applications and services, and use terminal equipment of their choice, irrespective of the end-user's or provider's location or the location, origin or destination of the information, content, application or service, via their internet access service. This paragraph is without prejudice to Union law, or national law that complies with Union law, related to the lawfulness of the content, applications or services.

2. Agreements between providers of internet access services and end-users on commercial and technical conditions and the characteristics of internet access services such as price, data volumes or speed, and any commercial practices conducted by providers of internet access services, shall not limit the exercise of the rights of end-users laid down in paragraph 1.

3. Providers of internet access services shall treat all traffic equally, when providing internet access services, without discrimination, restriction or interference, and irrespective of the sender and receiver, the content accessed or distributed, the applications or services used or provided, or the terminal equipment used.

The first subparagraph shall not prevent providers of internet access services from implementing reasonable traffic management measures. In order to be deemed to be reasonable, such measures shall be transparent, non-discriminatory and proportionate, and shall not be based on commercial considerations but on objectively different technical quality of service requirements of specific categories of traffic. Such measures shall not monitor the specific content and shall not be maintained for longer than necessary.

Providers of internet access services shall not engage in traffic management measures going beyond those set out in the second subparagraph, and in particular shall not block, slow down, alter, restrict, interfere with, degrade or discriminate between specific content, applications or services, or specific categories thereof, except as necessary, and only for as long as necessary, in order to:

(a) comply with Union legislative acts, or national legislation that complies with Union law, to which the provider of internet access services is subject, or with measures that comply with Union law giving effect to such Union legislative acts or national legislation, including with orders by courts or public authorities vested with relevant powers;

(b) preserve the integrity and security of the network, of services provided via that network, and of the terminal equipment of end-users;

(c) prevent impending network congestion and mitigate the effects of exceptional or temporary network congestion, provided that equivalent categories of traffic are treated equally.

4. Any traffic management measure may entail processing of personal data only if such processing is necessary and proportionate to achieve the objectives set out in paragraph 3. Such processing shall be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council. Traffic management measures shall also comply with Directive 2002/58/EC of the European Parliament and of the Council.

5. Providers of electronic communications to the public, including providers of internet access services, and providers of content, applications and services shall be free to offer services other than internet access services which are optimised for specific content, applications or services, or a combination thereof, where the optimisation is necessary in order to meet requirements of the content, applications or services for a specific level of quality. Providers of electronic communications to the public, including providers of internet access services, may offer or facilitate such services only where the network capacity is sufficient to provide them in addition to any internet access services provided. Such services shall not be usable or offered as a replacement for internet access services, and shall not be to the detriment of the availability or general quality of internet access services for end-users.

6. The Commission may**, after consulting BEREC,** adopt implementing acts detailing the conditions referred to in this Article for the offering of services other than internet access services which are optimised for specific content, applications or services, or a combination thereof.

   Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4).

*Article 94*

**Supervision and enforcement of open internet access**

1. National regulatory authorities shall closely monitor and ensure compliance with Article 93 and shall promote the continued availability of non-discriminatory internet access services at levels of quality that reflect advances in technology. For those purposes, national regulatory authorities may impose requirements concerning technical characteristics, minimum quality of service requirements and other appropriate and necessary measures on one or more providers of electronic communications to the public, including providers of internet access services.

2. Providers of electronic communications to the public, including providers of internet access services, shall provide, **at the request of the national regulatory authority and no more than** every two years, to national regulatory authorities, information relevant to the obligations set out in Article 93, in particular information concerning the management of their network capacity and traffic, as well as justifications for any traffic management measures applied.

3. National regulatory authorities shall share with BEREC updates on their main practices and national findings concerning open internet access based on the information received pursuant to paragraph 2. Based on the information from the national regulatory authorities, BEREC shall, by 24 months after the date of entry into force of this Regulation and every two years thereafter publish a report regarding the main practices and findings concerning open internet access in the Union.

4. By [*12 months after the entry into force of this Regulation*] BEREC shall, in close cooperation with the Commission, publish a common template to be used to collect the required information under paragraph 2**, which shall be limited to the information strictly necessary for the purposes of this Article**.

5. BEREC shall, after consulting stakeholders and in close cooperation with the Commission, issue guidelines on the implementation of the obligations of national regulatory authorities under this Article. The guidelines shall also detail the relevant quality of service parameters for internet access services, including parameters for the monitoring mechanism referred to in Article 97(4), second subparagraph, parameters relevant for end-users with disabilities, the applicable measurement methods, the content and format of the information, as provided in

Annex III and of publication as provided in Annex IV, and quality certification mechanisms. The relevant parameters for end-users with disabilities shall also include parameters for publicly available interpersonal communications services.

National regulatory authorities shall take account of BEREC's guidelines when enforcing the quality of service obligations.

## 4.3. TITLE III: END-USER RIGHTS

### *4.3.1. CHAPTER I Rights of Consumers*

**Article 94a**

**Harmonisation of rights of consumers**

**1. Member States shall not maintain or introduce in their national law provisions diverging from Articles 95 to 98, including more or less stringent provisions to ensure a different level of protection.**

**2. By way of derogation from paragraph 1, Member States may, in the following situations, maintain provisions more or less stringent than those referred in Articles 95 to 98:**

**1. rules on contractual commitment periods other than those provided for under Article 97(1) provided that the contractual commitment periods are not longer than those provided in that Article;**

**2. rules on the period to exercise the right to terminate the contract other than those provided for under Article 97(3) provided that the maximum termination notice period does not exceed three months;**

**3. rules on contractual termination other than those provided for under Article 97(3) in case of change of place of residence of the consumers;**

**4. rules on scope of costs limitation upon termination provided for under Article 97(3) which may be extended to all end-users;**

**5. rules on compensation for retaining terminal equipment other than those provided for under Article 97(5);**

**6. rules on additional facilities related to consumer protection as set out in Annex [X] [reference to EECC annex VI] in its version applicable before [PO: please insert date J-1 repeal of Code].**

**Member States may also introduce more stringent provisions than those referred to in Articles 95 to 98 as regards rules on additional facilities as referred in point vi of the first subparagraph.**

3. **National legislation transposing Directive 2011/83/EU applies to the situations covered by this Regulation, as applicable pursuant to Article 3(2) of Directive 2011/83/EU.**

*Article 95*

**Information requirements ~~for contracts~~**

1. Before a consumer is bound by a contract or any corresponding offer, ~~and in addition to requirements pursuant to Directive 2011/83/EU,~~ providers of internet access services or of publicly available interpersonal communications services shall provide the information listed in Annex III of this Regulation to the extent that that information relates to a service they provide.

   The information shall be provided in a clear and comprehensible manner on a durable medium as defined in Article 2, point (10), of Directive 2011/83/EU or, where provision on a durable medium is not feasible, in an easily downloadable document made available by the provider. The provider shall expressly draw the consumer's attention to the availability of that document and the importance of downloading it for the purposes of documentation, future reference and unchanged reproduction.

   The information shall, upon request, be provided in an accessible format for end-users with disabilities in accordance with the accessibility requirements of Annex I to Directive (EU) 2019/882.

2. Providers of internet access services or of publicly available interpersonal communications services shall provide consumers with a concise and easily readable contract summary **on a durable medium, or, where provision on a durable medium is not feasible, in an easily downloadable document made available by the provider**. That summary shall identify the main elements of the information requirements in accordance with paragraph 1. Those main elements shall include**, at least**:

(a) the name, address and contact information of the provider and, if different, the contact information for any complaint;

(b) the main characteristics of each service provided;

(c) the respective prices for activating the electronic communications service and for any recurring or consumption-related charges, where the service is provided for direct monetary payment;

(d) the duration of the contract and the conditions for its renewal and termination;

(e) the extent to which the products and services are designed for end-users with disabilities;

(f) with respect to internet access services, a summary of the information required pursuant to points (d) and (e) of Section 5 of Annex III.

The Commission may adopt implementing acts specifying a contract summary template to be used by the providers to fulfil their obligations under this paragraph.

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4).

Providers subject to the obligations under paragraph 1 shall duly complete that contract summary template with the required information and provide the contract summary free of charge to consumers, before the consumer is bound by the contract or any corresponding offer, including distance contracts. Where, for objective technical reasons, it is impossible to provide the contract summary at that moment, it shall be provided without undue delay thereafter and before the consumer is bound by a contract or any corresponding offer.

3. The information referred to in paragraphs 1 and 2 shall become an integral part of the contract and shall not be altered unless the contracting parties expressly agree otherwise.

4. Where the provider has complied with the information requirements in accordance with paragraphs 1 and 2, it shall be deemed to have complied with the information requirements in Article 5(1)(a) or 6(1)(a), 5(1)(b) or 6(1)(b) and 6(1)(c), 5(1)(c) or 6(1)(e), 5(1)f, 6(1)(o) and 6(1)(p) and the first subparagraph of 8(2) of Directive 2011/83/EU.

5. Where internet access services or publicly available interpersonal communications services are billed on the basis of either time or volume consumption, their providers shall offer consumers the facility to monitor and control the usage and cost of each of those services. This facility shall include access to timely information on the level of consumption of services included in a tariff plan. In particular, providers shall notify consumers before any consumption limit, included in their tariff plan, is reached and when a service included in their tariff plan is fully consumed.

6. Providers shall offer the basic level of itemised bills, where applicable, to consumers free of charge so as to allow the consumers to:

   (a) verify and control the charges incurred in using internet access services or **publicly available** ~~number-based~~ interpersonal communications services;

   (b) adequately monitor their usage and expenditure and thereby exercise a reasonable degree of control over their bills.

   Such itemised bills shall include an explicit mention of the identity of the supplier and of the duration of the services charged by any premium numbers unless the consumer has requested that information not to be mentioned.

   Calls which are free of charge to the calling end-users, including calls to helplines, shall not be required to be identified in the calling consumer's itemised bill.

   Consumers shall have the right to receive non-itemised bills. **Providers shall ensure that the** ~~The~~ rights of consumers receiving itemised bills ~~shall be~~ **are** reconciled with the right to privacy of calling consumers and called consumers, including by ensuring that sufficient alternative privacy enhancing methods of communications or payments are available to such consumers.

7. ~~Member States shall not maintain or introduce in their national law consumer protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection. This is without prejudice to the right of Member States to maintain provisions on additional facilities under Directive (EU) 2018/1972.~~

*Article 96*

**Transparency**

1. Where providers of internet access services or publicly available interpersonal communications services make the provision of those services to consumers subject to terms and conditions, they shall publish the information referred to in Annex IV to this Regulation in a clear, comprehensive, machine-readable manner and in an accessible format for end-users with disabilities in accordance with the accessibility requirements set in Annex I to Directive (EU) 2019/882. Such information shall be **kept up-to-date** ~~updated regularly.~~

2. ~~Member States shall not maintain or introduce in their national law end-user protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection.~~

*Article 97*

**Contract duration and termination**

1. Conditions and procedures for contract termination shall not act as a disincentive to changing service provider. Contracts concluded between consumers and providers of publicly available electronic communications services other than number-independent interpersonal communications services and other than transmission services used for the provision of machine-to-machine services shall not mandate a commitment period longer than 24 months. This is without prejudice to the right of Member States to maintain provisions which mandate shorter maximum contractual commitment periods.

This paragraph shall not apply to the duration of an instalment contract where the consumer has agreed in a separate contract to instalment payments exclusively for deployment of a physical connection, in particular to gigabit networks. An instalment contract for the deployment of a physical connection shall not include terminal equipment, such as a router or modem, and shall not preclude consumers from exercising their rights under paragraphs 2 to 6.

2. Where a contract or national law provides for automatic prolongation of a fixed duration contract for electronic communications services other than number-independent interpersonal communications services and ~~other than~~ transmission services used for the provision of machine-to-machine services, consumers are entitled, after such prolongation, to terminate the contract at any time with a maximum one-month notice period and without incurring any costs except the charges for receiving the service during the notice period. Before the contract is automatically prolonged, providers shall inform the consumers in a prominent and timely manner and on a durable medium, of the end of the contractual commitment and of the means by which to terminate the contract. In addition, and at the same time, providers shall give consumers best tariff advice relating to their services.

**2a. Unless the provider has already given the consumer the best tariff advice relating to their services on the basis of the first subparagraph, consumers with a contract for electronic communications services other than number-independent interpersonal communications services and other than transmission services used for the provision of machine-to-machine services shall receive best tariff advice at least every two years.**

3. Consumers shall have the right to terminate their contract without incurring any further costs upon notice of changes in the contractual conditions proposed by the provider of publicly available electronic communications services other than number-independent interpersonal communications services, unless the proposed changes are exclusively to the benefit of the consumer, are of a purely administrative nature and have no negative effect on the consumer, or are directly imposed by Union law or national law.

Providers shall notify consumers at least one month in advance of any change in the contractual conditions and shall simultaneously inform them of their right to terminate the contract without incurring any further costs if they do not accept the new conditions. The right to terminate the contract shall be exercisable within one month after notification. The notification shall be made in a clear and comprehensible manner on a durable medium.

4. Any significant continued or frequently recurring discrepancy between the actual performance of an electronic communications service, other than an internet access service or a number-independent interpersonal communications service, and the performance indicated in the contract shall be considered to be a basis for triggering the remedies available to the consumer in accordance with national law, including the right to terminate the contract free of cost.

   For **an** internet access service, any significant discrepancy, continuous or regularly recurring, between the actual performance of the internet access service regarding speed or other quality of service parameters and the performance indicated by the provider of internet access services in accordance with points (a) to (d) of Section 5 of Annex III shall, where the relevant facts are established by **a** ~~the~~ monitoring mechanism **certified by the national regulatory authority taking into utmost account the methodology of** ~~specified in~~ the BEREC guidelines referred to in Article 94(5) ~~and certified by the national regulatory authority~~, be deemed to constitute non-conformity of performance for the purposes of triggering the remedies available to the consumer in accordance with national law.

5. Where a consumer has the right to terminate a contract for a publicly available electronic communications service, other than a number-independent interpersonal communications service, before the end of the agreed contract period pursuant to this Regulation or to other provisions of Union law or national law, no compensation shall be due by the consumer other than for retained subsidised terminal equipment.

   Where the consumer chooses to retain terminal equipment bundled at the moment of the contract conclusion, any compensation due shall not exceed its pro rata temporis value as agreed at the moment of the conclusion of the contract or the remaining part of the service fee until the end of the contract, whichever is the smaller.

   The provider shall lift any condition on the use of that terminal equipment on other networks free of charge at the latest upon payment of the compensation.

6. ~~Member States shall not maintain or introduce in their national law end-user protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection. This is without prejudice to the right of Member States to maintain provisions referred to in paragraph 1.~~

*Article 98*

**Bundled offers**

1. Where a bundle of services or a bundle of services and terminal equipment offered to a consumer comprises at least an internet access service or a publicly available number-based interpersonal communications service, Article 95(2), Article 96(1), Article 97 and Article 100(1) shall apply to all elements of the bundle including, mutatis mutandis, those not otherwise covered by those provisions.

2. Where the consumer has, under Union law, or national law in accordance with Union law, a right to terminate any element of the bundle as referred to in paragraph 1 before the end of the agreed contract term because of a lack of conformity with the contract or a failure to supply, the consumer has the right to terminate the contract with respect to all elements of the bundle.

3. Any subscription to additional services or terminal equipment provided or distributed by the same provider of internet access services or of publicly available number-based interpersonal communications services shall not extend the original duration of the contract to which such services or terminal equipment are added, unless the consumer expressly agrees otherwise when subscribing to the additional services or terminal equipment.

4. ~~Member States shall not maintain or introduce in their national law end-user protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection.~~

*Article 99*

**Rights for microenterprises, small and medium-sized enterprises or not-for-profit organisations**

Article 95, Article 97(1), Article 98(1) and Article 98(3) shall also apply to end-users that are microenterprises or not-for-profit organisations, unless they have explicitly agreed to waive all or parts of rights laid down in those provisions. Article 97(2), Article 97(3) and Article 97(5) shall also apply to end-users that are microenterprises, small and medium-sized enterprises or not-for-profit organisations, unless they have explicitly agreed to waive all or parts of the rights laid down in those provisions.

*4.3.2. CHAPTER II: Rights of end-users*

*Article 100*

**Provider switching and number portability**

1. ~~In the case of switching~~ **Where an end-user chooses to switch** between providers of internet access services, the providers concerned shall provide the end-user with adequate information before and during the switching process and ensure continuity of the internet access service, unless technically not feasible. The receiving provider shall ensure that the activation of the internet access service occurs within the shortest possible time on the date and within the timeframe expressly agreed with the end-user. The transferring provider shall continue to provide its internet access service on the same terms until the receiving provider activates its internet access service. Loss of service during the switching process shall not exceed one working day. **The end-user's contract with the transferring provider shall be terminated automatically upon conclusion of the switching process.**

   ~~National regulatory authorities shall ensure that the switching process is efficient and simple for the end-user.~~

**1a. Where an end-user terminates a contract the end-user shall have the right to port a number from the national numbering plan to the same or another provider for a minimum of one month after the date of termination, unless that right is renounced by the end-user. The providers concerned shall provide the end-user with adequate information on the porting process and ensure continuity of the service, unless technically not feasible.**

2. End-users with numbers from the national numbering plan shall have the right to retain their numbers, upon request, independently of the undertaking providing the service. This right shall apply:

   (a) in the case of geographic numbers, at a specific location;

   (b) in the case of non-geographic numbers, at any location.

   The right laid down in the first subparagraph does not apply to the porting of numbers between networks providing services at a fixed location and mobile networks.

3. ~~Where an end-user terminates a contract the end-user shall have the right to port a number from the national numbering plan to the same or another provider for a minimum of one month after the date of termination, unless that right is renounced by the end-user.~~

4. ~~National regulatory authorities shall ensure that pricing among providers related to the provision of number portability is cost-oriented, and that no direct charges are applied to end-users.~~

5. The porting of numbers and their subsequent activation shall be carried out within the shortest possible time on the date explicitly agreed with the end-user. In any case end-users who have concluded an agreement to port a number to a new provider shall have that number activated within one working day from the date agreed with the end-user. In the case of failure of the porting process, the transferring provider shall reactivate the number and related services of the end-user until the porting is successful. The transferring provider shall continue to provide its services on the same terms and conditions until the services of the receiving provider are activated. In any event the loss of service during the process of provider switching and the porting of numbers shall not exceed one working day. ~~Operators whose access networks or facilities are used by either the transferring or the receiving provider, or both, shall ensure that there is no loss of service that would delay the switching and porting process.~~

**5a. National regulatory authorities shall ensure that pricing among providers related to the provision of number portability is cost-oriented, and that no direct charges are applied to end-users.**

6. The receiving provider shall lead the switching and porting processes set out in paragraphs 1 and 5 and both the receiving and transferring providers shall cooperate in good faith. They shall not delay or abuse the switching and porting processes, nor shall they port numbers or switch end-users without the end-users' explicit consent. ~~The end-users' contracts with the transferring provider shall be terminated automatically upon conclusion of the switching process.~~ **Operators whose access networks or facilities are used by either the transferring or the receiving provider, or both, shall ensure that there is no loss of service that would delay the switching and porting process.**

**6a.** By [*12 months after the date of entry into force of this Regulation*], BEREC shall, after consulting stakeholders and in close cooperation with the Commission, adopt guidelines specifying the details of the switching and porting processes, taking into account technical feasibility and the need to maintain continuity of service to the end-users. The guidelines shall also detail the compensation process of end-users by their providers in the case of delays in, or abuse of, porting and switching processes, missed service and installation appointments or failure by the provider to comply with the obligations set out in this Article.

**6b.** -National regulatory authorities shall establish the details of the switching and porting processes taking account of the BEREC guidelines. This shall include, where technically feasible, a requirement for the porting to be completed through over-the-air provisioning, unless an end-user requests otherwise. **National regulatory authorities shall ensure that the switching and porting processes are efficient and simple for the end-user.**

National regulatory authorities shall also take appropriate measures ensuring that end-users are adequately informed and protected throughout the switching and porting processes and are not switched to another provider without their consent.

Transferring providers shall refund, upon request, any remaining credit to the consumers using pre-paid services. **Any** ~~R~~refund may be subject to a fee only if provided for in the contract. Any such fee shall be proportionate and commensurate with the actual costs incurred by the transferring provider in offering the refund.

7. Member States shall not maintain or introduce in their national law end-user protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection. This is without prejudice to the right of Member States to adopt or maintain rules on the compensation of end-users by their providers in the case of failure of a provider to comply with the obligations laid down in this Article, as well as in the case of delays in, or abuses of, ~~porting and~~ switching **and porting** processes, and missed service and installation appointments.

*Article 101*

**Exemption of certain microenterprises**

With the exception of Article 102, this Title shall not apply to microenterprises providing number-independent interpersonal communications services unless they also provide other electronic communications services.

Before concluding a contract, a microenterprise benefiting from such an exemption shall inform end-users of the exemption under the first paragraph.

*Article 102*

**Non-discrimination**

Providers of electronic communications networks or services shall not apply any different requirements or general conditions of access to, or use of, networks or services to end-users, unless justified within the limits of Union law.

*4.3.3. CHAPTER III: Facilities and functionalities for end-users*

*Article 103*

**Protecting end-users against fraudulent activities**

1. Providers of internet access services and of publicly available interpersonal communications services shall cooperate with national competent authorities to identify effective **and technically feasable** measures to prevent fraudulent activities perpetrated by making use of those services, that affect end-users, while ensuring full compliance with Union legislation on personal data protection.

2. The ODN shall collect information from national regulatory or other competent authorities, relevant European and global organisations and stakeholders, including EUROPOL and ENISA, on the **types of** fraudulent activities perpetrated by making use of the services referred to in paragraph 1, in particular on those that are of cross-border nature **and on potential fraud preventing measures**.

3. BEREC, after consulting the European Data Protection Board and ENISA, shall issue guidelines on technical and legal measures that could effectively protect end-users against fraudulent activities in the Union, ~~in particular~~ **including, but not limited to** measures relying on the empowerment of national regulatory authorities ~~or competent authorities to block numbers and services~~ pursuant to Article 52(2). The first such BEREC guidelines shall be adopted [*12 months after the date of entry into force of this Regulation*]. BEREC shall update the guidelines when necessary but at least every two years after their adoption.

4. ~~National competent authorities~~ **Member States** shall adopt **and, when applicable, amend national** measures preventing fraudulent activities perpetrated by **those** making use of the services referred to in paragraph 1, ~~by~~ taking account **of** the guidelines issued under paragraph 3. **Member States shall notify the Commission of those measures and any subsequent amendments.**

5. The Commission may**, after consulting BEREC,** adopt~~,~~ delegated acts in accordance with Article 198 supplementing paragraph 3 of this Article concerning the measures necessary to ensure the effectiveness, coordination and complementarity of fraud preventing measures within the Union.

*Article 104*

**Missing children and child helpline hotlines**

1. Providers of number-based interpersonal communications services shall ensure free of charge access for end-users, including end-users with disabilities, to the service operating a hotline to report cases of missing children. When travelling within the Union, end-users shall have free of charge access to the visited country's service. The hotline shall be available on the number '116000'.

2. Member States shall take appropriate measures to ensure that the authority or undertaking to which the number '116000' has been assigned ~~allocates~~ **has** the necessary resources to operate the hotline.

3. Member States and the Commission shall ensure that end-users are adequately informed of the existence and use of services provided under the numbers '116000' and, where appropriate, '116111'.

*Article 105*

**Distribution of public interest information**

Providers of internet access services or publicly available interpersonal communications services shall distribute public interest information free of charge to existing and new end-users, where appropriate, by the means that they ordinarily use in their communications with end-users. Public interest information shall be provided by the relevant public authorities in a standardised format and shall cover at least the following topics:

(a) uses of internet access services and publicly available interpersonal communications services to engage in unlawful activities or to disseminate harmful content, in particular where it may prejudice ~~respect for~~ the rights and freedoms of others, of the right to the protection of personal data, copyright and related rights;

(b) the means of protection against risks to personal security, privacy and personal data when using internet access services and publicly available interpersonal communications services, including protection against fraudulent activities perpetrated by making use of those services.

Article *106*

**Emergency communication and the single European emergency number**

1. Providers of publicly available number-based interpersonal communications services shall provide end-users access to emergency services through emergency communication**s**, mandated by the Member State. Those emergency communication**s** shall be provided free of charge and without having to use any means of payment, including by using the single European emergency number '112' and any national emergency number specified by Member States.

   Providers of emergency communication**s** shall ensure that PSAPs can call back end-users originating the emergency communication, or originate an interpersonal communication by using the same interpersonal communications service as the one on which they were contacted, free of charge**.**~~,~~ ~~and where it is not economically feasible, at a retail price that does not exceed domestic retail price of the provider serving the PSAP~~.

Member States may mandate access to emergency services through emergency communication from number-independent interpersonal communications services as long as the national PSAP ~~system~~ **organisation** allows for routing to the most appropriate PSAP and receipt of caller location information.

Providers of electronic communications services which are not publicly available but which enable **number based** calls to public electronic communications networks shall ensure access to emergency services by using the single European emergency number '112' **and any national emergency number specified by a Member State** when alternative and easy access to emergency services is not available.

2. No later than 24 months after the adoption of the delegated act referred to in paragraph 8, Member States shall ensure that end-users can originate emergency communication by means of a mobile application coupled with the European Digital Identity Wallets issued under Regulation (EU) 910/2014 **without prejudice to other means of access to emergency services mandated in that Member State, and subject to the availability and technical readiness of such wallets in the Member States**.

3. Providers of ~~interpersonal~~ **emergency** ~~electronic~~ communication~~s services referred to in paragraph 1~~ shall implement the technical and organisational measures to ensure effective emergency communication, for their end-users whilst traveling within the Union.

4. **Providers of emergency** ~~Interpersonal~~ communications ~~service providers~~ and national PSAP ~~systems~~ **organisations** shall ensure that emergency communication and caller location information are routed without delay to the most appropriate PSAP. National PSAP organisations shall ensure that all emergency communication**s**~~, including when the single European emergency number '112' is used,~~ are appropriately answered and handled.

5. Providers **of emergency communications** ~~referred to in paragraph 1~~ shall ensure that access for end-users with disabilities to emergency services ~~is available through emergency communication and~~ is equivalent to that enjoyed by other end-users, including by complying with Directive (EU) 2019/882.

When mandating means of access to emergency services through emergency communication for end-users with disabilities, Member States shall ensure that, subject to technical feasibility, the following functional equivalence requirements are met:

(a) **the** emergency communication enables two-way interactive communication between the end-user with disabilities and the PSAP;

(b) **the** emergency communication is available in a seamless way, ~~without pre-registration,~~ to end-users with disabilities travelling within the Union;

(c) **the** emergency communication is provided to end-users with disabilities free of charge;

(d) **the** emergency communication is routed without delay to the most appropriate PSAP that is qualified and equipped to appropriately answer and process emergency communication**s** from end-users with disabilities;

(e) equivalent levels of accuracy and reliability of caller location information are ensured for emergency communication for end-users with disabilities as for emergency calls by other end-users;

(f) end-users with disabilities are enabled to reach at least the same level of awareness about the means of access to emergency services through emergency communication**s** as other end-users about emergency calls to '112', either by the design of the means of access or through awareness raising measures.

6. Providers of emergency communication**s** shall ensure that caller location information is made available to the most appropriate PSAP without delay after emergency communication is set up. This shall include network-based location information and, where the radio equipment device makes it available for transmission, handset-derived caller location information. Providers of emergency communication shall ensure that the establishment and the transmission of the caller location information are free of charge for the end-user and the PSAP with regard to all emergency communication ~~to the single European emergency number '112'~~. PSAP organisations shall ensure that the technical and organisational measures are in place to receive and process the caller location information. ~~Member States may extend these obligations to cover emergency communication to national emergency numbers~~.

**6a. Providers of emergency communications by means of interpersonal communications services shall inform end-users, in a timely manner, directly and individually of any change or future change in the service provision that limits or could limit access to emergency services or provision of caller location information. When applicable, end-users will be informed in a timely manner, when such limitations do not affect the service anymore.**

7. Member States shall ensure that end-users, including roaming end-users, and end-users with disabilities are adequately informed**, as relevant to them,** about the means of access~~, as relevant to them,~~ to emergency services through emergency communication~~,~~ ~~including by using the single European emergency number '112', as well as the means of access for end-users with disabilities~~. That information shall be provided in accessible formats, addressing different types of disabilities, in accordance with the accessibility requirements laid down in Annex I of Directive (EU) 2019/882. The Commission shall support and complement Member States' action**, with regard to the use of the single European Emergency Number '112'**.

8. The Commission may**, after consulting the eIDAS Committee in matters related to the European Digital Identity Wallet,** adopt delegated acts in accordance with Article 198 supplementing paragraphs 1, 2, 3, 5 and 6 of this Article by laying down the measures necessary to ensure effective emergency communication in the Union with regard to **harmonised** technical specifications to allow the origination of emergency communication by means of a mobile application coupled with the European Digital Identity Wallets, caller location information solutions, harmonised European caller location criteria, equivalent access for end-users with disabilities and routing to the most appropriate PSAP.

9. Member States shall report to the ODN the E.164 numbers to contact Member State's PSAP systems. BEREC**,** assisted by the ODN**,** shall establish and maintain a **secure and operationally effective** database of those numbers that Member State's PSAP systems shall use to contact each other from one Member State to another.

*Article 107*

**Transmission of public warnings**

1. Providers of mobile number-based interpersonal communications services shall transmit public warnings to the end-users concerned, via the technology **or combination of technologies** mandated by the Member States where they provide the service, in the geographic areas potentially being affected by imminent or developing major emergencies and disasters during the warning period, as determined by the competent authorities.

2. The Commission may**, after consulting the eIDAS Committee,** adopt implementing acts laying down technical provisions concerning the transmission of public warnings by means of a mobile application coupled with the European Digital Identity Wallets issued under Regulation (EU) 910/2014 to all end-users concerned, including roaming end-users**, subject to the availability and technical readiness of such wallets in the Member States**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(3).

3. Member States shall ensure that one year after the first implementing act adopted under paragraph ~~3~~ **2** of this Article, public warnings are ~~also~~ transmitted to all end-users concerned by means of a mobile application coupled with the European Digital Identity Wallets issued pursuant to Regulation (EU) 910/2014**, without prejudice to other public warning channels mandated in that Member State.**

*Article 108*

**Presentation and restriction of calling, connected line identification and originating identification**

1. Providers of public electronic communications networks~~,~~ **or of** publicly available interpersonal communications **services** ~~or internet access services~~ shall provide calling line or originating identification.

   They shall ensure that the originating party is able, by using a simple ~~means~~ and free of charge **means**, to prevent the presentation of calling line or originating identification at the point where their voice communication terminates on a per-communication basis.

2. The network or service provider shall ensure that the receiving party is able, by using a simple and free of charge means ~~for reasonable use of this function~~, to prevent the presentation of the calling line identification or originating identification of incoming calls.

3. Prior to the voice communication being established and presenting the calling line or originating identification, the service provider shall ensure that the receiving party is able, by using a simple and free of charge means, to reject incoming voice communications where the originating party has used its right provided for in paragraph 1.

4. Where presentation of connected line identification is offered, the service provider shall ensure that the receiving party is able, by using a simple and free of charge means, to prevent the presentation of the connected line identification to which the calling end-user is connected.

5. Sub-paragraph 1 of paragraph 1 shall also apply with regard to voice communications to third countries originating in the Union. Sub-paragraph 2 of paragraph 1, paragraphs 2, 3 and 4 shall also apply to incoming voice communications originating in third countries.

6. Where presentation of calling or connected line identification or originating identification is displayed, the providers of publicly available ~~internet access or~~ interpersonal communications services shall inform the public thereof and of the rights set out in sub-paragraph 2 of paragraph 1 and paragraphs 2 to 4 of this Article and the exceptions under Article 109.

**6a. Providers under paragraph 1 shall have the technical capability to ~~identify~~ trace back the originating point of the communication ~~(traceback)~~ and shall provide that information upon request by the competent authorities. This information shall include the routing path of the communication from the point of termination, trunked or transited until the originating point.**

*Article 109*

**Exceptions for tracing malicious or nuisance communications and emergency communications**

1. The caller's or originating party's right to not display the calling line identification or originating identification referred to in Article 108(~~2~~**1**) may be overridden by the providers of public electronic communications networks or publicly available electronic communications services, on a temporary basis, to enable competent authorities or an end-user in tracing of malicious or nuisance communications upon complaint to the authorities.

2. The providers referred to in Article 108(1) **and (2)** shall override the prevention of calling line or originating identification and process location data of the originating party with the purpose of providing such information to the most appropriate PSAP in accordance with Article 106(6).

*Article 110*

**Communication blocking, ~~A~~automatic call forwarding and automated calling systems**

1. Providers of publicly available number-based interpersonal communications services shall deploy state of the art measures to limit, upon the ~~called end-user's~~**receiving party's** request, the reception of~~,~~ malicious or nuisance ~~calls~~ **communications** by providing the following possibilities, free of charge:

   (a) to block, where technically feasible, incoming ~~calls~~ **communications** from specific numbers or from anonymous sources;

   (b) to stop automatic call forwarding by a third party to the end-user's terminal equipment.

2. Providers of interpersonal communications services offering automated calling systems shall not prevent the right of the presentation of the calling line or originating identification on the called line or to the receiving party and shall present ~~the identity or~~ the number on which they can be contacted.

*Article 111*

**Equivalent access and choice for end-users with disabilities**

1. Providers of publicly available electronic communications services shall ensure that end-users with disabilities:

   (a) have access to electronic communications services, including the related contractual information provided pursuant to Article 95, equivalent to that enjoyed by the majority of end-users**. To that effect, requirements related to services in Directive (EU) 2019/882 shall be applied**~~;~~

   (b) benefit from the choice of undertakings and services available to the majority of end-users. **The national regulatory authorities or other competent authorities shall specify requirements to this effect to be met by providers.**

   ~~The competent authorities shall specify requirements to this effect to be met by providers.~~

2. In taking the measures referred to in paragraph 1 of this Article, competent authorities shall encourage compliance with the relevant standards or specifications laid down in accordance with Article 187.

*Article 112*

**Interoperability of car radio and consumer radio receivers and consumer digital television equipment**

1. Car radio receivers and consumer digital television equipment shall be interoperable in accordance with Annex V.

2. Where Member States decide to adopt measures to ensure the interoperability of other consumer radio receivers such measures shall not be applied to products where a radio receiver is purely ancillary, such as smartphones, and to equipment used by radio amateurs.

3. Providers of digital television services shall ensure, where appropriate, that the digital television equipment that they provide to their end-users is interoperable so that, where technically feasible, the digital television equipment is reusable with other providers of digital television services.

Without prejudice to Article 5(2) of Directive 2012/19/EU of the European Parliament and of the Council[12], upon termination of their contract, end-users shall have the possibility to return the digital television equipment through a free and easy process, unless the provider demonstrates that it is fully interoperable~~-~~**, without technical, contractual or practical restrictions preventing its effective reuse,** with the digital television services of other providers, including those to which the end-user has switched.

Digital television equipment which complies with harmonised standards the references of which have been published in the Official Journal of the European Union, or with parts thereof, shall be considered to comply with the requirement of interoperability set out in the second subparagraph covered by those standards or parts thereof.

4. Member States shall not maintain or introduce in their national law end-user protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection.

*Article 113*

**'Must carry' obligations**

1. Member States may impose reasonable 'must carry' obligations for the transmission of specified radio and television broadcast channels and related complementary services, in particular accessibility services to enable appropriate access for end-users with disabilities and data supporting connected television services and EPGs, on undertakings under their jurisdiction providing electronic communications networks and services used for the distribution of radio or television broadcast channels to the public, where a significant number of end-users of such networks and services use them as their principal means to receive radio and television broadcast channels. Such obligations shall be imposed only where they are necessary to meet general interest objectives as clearly defined by each Member State and shall be proportionate and transparent.

2. Member States shall review the obligations referred to in paragraph 1 where there is a relevant change in national market conditions or where the general interest objectives referred to in paragraph 1 change.

[12] Directice 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38, ELI: http://data.europa.eu/eli/dir/2012/19/oj)

3. Neither paragraph 1 of this Article nor Article 65(2) shall prejudice the ability of Member States to determine appropriate remuneration, if any, in respect of measures taken in accordance with this Article while ensuring that, in similar circumstances, there is no discrimination in the treatment of providers of electronic communications networks or services. Where remuneration is provided for, Member States shall clearly set out the obligation to remunerate in national law, including, where relevant, the criteria for calculating such remuneration. Member States shall ensure that it is applied in a proportionate and transparent manner.

*Article 114*

**Adaptation of Annexes IV, V and VI**

The Commission is empowered to adopt delegated acts in accordance with Article 198 amending Annexes IV, V and VI to take account of technological and social developments or changes in market demand.

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